

# Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2016

**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 2014, 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 “extremist crimes”. All data were compiled at March 12, 2017.

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

The SOVA Center website, which includes publications and news,  
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# Old Problems and New Alliances: Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2016

## Summary

According to SOVA Center's monitoring, there were fewer violent incidents motivated by racism and neo-Nazism in 2016 than in 2015. However, this change was not as significant as in previous years, and the true scale of violence is unknown. As in previous years, the victims were mostly those seen as "ethnic outsiders"; their share of the total (all victims) has significantly increased. Some attacks (especially those against adolescents and women) were marked by their extreme cruelty.

There were also fewer cases of vandalism motivated by religious, ethnic or ideological intolerance than in the year before. The number of attacks on religious sites has remained the same and now constitutes two thirds of all incidents of vandalism.

As for the actual law enforcement, the number of convictions for hate crimes has fallen in comparison to 2015. That said, among those who have received prison sentences are members of notable radical-right groups such as 14/88 and Restrukt! from Moscow, and Russian National Unity (*Russkoe Natsionalnoe Edinstvo*, RNE) from Omsk. The number of convictions for vandalism and affiliation with banned organizations is also down.

The number of convictions for "speech of an extremist nature" (incitement to hatred, incitement to extremist or terrorist activities, etc.) remains higher than the total number of sentences for all other extremism-related crimes. However, there were fewer such convictions overall in 2016, and their number dropped in the second half of the year compared to the first. Also, notably fewer people were imprisoned for speech of an extremist nature.

While we do not wish to make any judgements concerning the political factors at play, it is important to note that this is the first time since 2011 that

we have recorded a year-on-year fall in convictions for public speech of an extremist nature. (Before 2011, there was also an overall upward trend, albeit with some year-on-year exceptions.) It is possible that this slight drop does not reflect a real downward trend in such convictions but is rather an artefact of our incomplete data set. Nevertheless, it is likely that the conviction rate for speech of an extremist nature has decreased or, at least, not risen noticeably. This is, in itself, a contrast to the sharp increase in 2015. It is likely that this is connected with the gradual relaxation of the general state of high alert triggered by the war in Ukraine and to the fact that the goals concerning the suppression of the ultra-right have largely been reached. One may also hope that the rising public outcry precipitated by the scale and nature of such recourse to the criminal law has, too, played its role.

As per the pattern of recent years, the vast majority of convictions have been for materials distributed over the Internet, and most of those convicted are rank-and-file users of the social network VKontakte who had reposted video clips or other materials. However, starting from 2012 and even more so from the autumn 2014, the state has been actively prosecuting well known right-wing radicals for actionable speech offenses, though sometimes on trivial grounds. Throughout 2016, law enforcement agencies have continued to monitor the leaders of the most active ultra-right opposition movements extra closely. In addition to the ongoing cases, new prosecutions were launched against those ultra-right leaders who had already come to the attention of law-enforcement agencies in recent past.

While the number of criminal convictions decreases, albeit slowly, the number of convictions in administrative cases steadily grows. It is clear that the incompleteness of our data with regard to those cases is worse than it is for the criminal ones. In 2016, the Federal List of Extremist Materials continued to be updated, with the proportion of various errors and nonsensicalities being same as before; however, in the second half of the year its expansion slowed down.

So far as combating extremist material on-line goes, the task of the prosecutors comes down to blocking access to the prohibited materials (or those presumed to be otherwise “dangerous”). In the past four years, the campaign to do so has intensified, particularly if we look at the cases logged under “*Lugovoy’s Law*” in the second half of the year (mostly these were cases concerned with radical Islamist material, including the videos produced by the so-called Islamic State). The increase in the frequency of content-blocking is accompanied by a decrease in its adequacy, by which we mean not so much its legal soundness as its general fitness for purpose. It is unlikely that content-blocking actually improves public safety, but it does increasingly erode freedom of expression on the Internet.

When evaluating the overall dynamics in the use of anti-extremist laws, one can see that, at least in relation to nationalists, the well-established repressive methods are slowly beginning to fade into the past, hence the halt in the growth of convictions for crimes “of an extremist nature”, as well as the various other changes. What is increasingly displacing the older methods are those ones that the law-enforcement agencies see as having preventative power. This probably explains the increase in the volume of on-line materials blocked as a “public safety measure”. It also likely explains the growing number of administrative law verdicts in cases pertaining to forbidden symbols and the dissemination of prohibited materials. The additional bans on Internet use may have the same motivation as the widespread confiscations of the “instruments of crime”, i.e. laptops, tablets, smart phones, etc. — items the cost of which often exceeds the fine several-fold. It is possible that these changes in patterns of the law enforcement are linked to the increasing involvement of the Federal Security Service (*Federalnaya Sluzhba Bezopasnosti*, FSB) in anti-extremist activities. The “preventative” mindset was also what, to a great extent, motivated the controversial amendments to Internet law contained in “*Yarovaya’s Act*”.

For over two years, the ultra-right has been harried by law-enforcement agencies. This must have had some effect on the internal structure of this political sector. In 2016, the nationalist movement was reorganising itself more intensively, particularly focusing on the development of activities that would be difficult for the State to counter.

Those organizations that had staked their political fortune on supporting the “Russian Spring” faced a severe drop in public interest in the second half of 2016. The turnout at their demonstrations was very poor, and their campaigns went largely unnoticed. The most likely cause of this is the receding interest in the Ukrainian conflict. Meanwhile, it has not been possible for these nationalists to pursue a conventional xenophobic agenda because of the fear of being harassed by the state.

On the other hand, while the right-wing radicals, the opponents of “Novorossiya”, have faced more harassment from the State, they have had some minor yet noticeable successes. These successes were achieved by those groups that decided to cooperate with the liberal-democratic opposition, the latter having access to far greater resources. It was the parliamentary election campaign that came to be the main basis for this rapprochement, particularly under the umbrella of the PARNAS party (People’s Freedom Party, *Partiia Narodnoi Svobody*). That said, the actual electoral gains made by the nationalists proved to be very modest. Cooperation with the liberals provides a level of security and access to new audiences, yet it also forces the ultra-right to face a difficult

dilemma: whether to minimise the usual xenophobic rhetoric or renounce this convenient partnership. Different groups came to different decisions. One way or another, a new movement was born, which includes both ultra-right and liberal-democratic activists, as well as a variety of supporters of the nationalist-populist blogger Viacheslav Maltsev.

Meanwhile, traditional nationalist actions, be they xenophobic or “counter-repression” attracted far, far fewer activists – a fraction of the number that one saw two or three years ago.

There remains a fashion for non-political types of activism: all manner of combat training sessions and gatherings on the one hand, and the various debate clubs and lectures on the other. Neither of these forms of activism have a clear goal; they exist mainly because other forms are impossible. Yet the high level of militarisation that the ultra-right gained 2014–2015 is still there.

## Criminal Manifestations of Racism and Xenophobia

### Systematic Racist and Neo-Nazi Violence

In 2016, at least 9 people were killed by racist and neo-Nazi violence, 72 were injured, and 3 people received credible death threats. Our data does not include victims of incidents in the North Caucasus and Crimea, or victims of mass brawls. Compared to 2015, the number of racist and neo-Nazi attacks has dropped, although not as drastically as it did the year before. (In 2015, 12 people were killed, 96 were injured, and 8 received credible death threats<sup>1</sup>. In 2014, 36 people were killed, 134 were injured, and 2 received credible death threats<sup>2</sup>.) We want to clarify that our current data for 2016 is still incomplete<sup>3</sup>. The numbers will inevitably rise, because many incidents only come to our attention a year or even 18 months after they happen.

It has become increasingly difficult to gather data from public-domain sources. One gets the impression of deliberate omission or concealment of facts in the media. For example, in 2017 there was already a native of Republic of

<sup>1</sup> Our data for 2015 and 2016 is as recorded on 11 March 2017.

<sup>2</sup> See: V. Alperovich, N. Yudina. Calm before the Storm? Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2014 // SOVA Center. 2015. 21 April (<http://www.sova-center.ru/en/xenophobia/reports-analyses/2015/04/d31818/>).

<sup>3</sup> Our equivalent report for 2015 recorded 11 dead, 82 injured, and 6 death threats. See V. Alperovich, N. Yudina. The Ultra-Right Movement under Pressure Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2015 // SOVA Center. 2016. 8 April (<http://www.sova-center.ru/en/xenophobia/reports-analyses/2016/04/d34247/>).

Chad killed in Kazan. Those suspected of his murder were quickly arrested, and an investigation is under way. The police are checking whether the suspects may have participated in other attacks. However, the details of these other attacks are only now being reported in the media. It is also difficult to find unofficial sources: the victims themselves usually do not welcome it when information about their ordeal is made public and only very seldom report the incidents to law-enforcement agencies, non-governmental organizations, or the media.

In the past year, attacks occurred in 18 regions (vs. 26 regions in 2015). As before, the highest levels of violence were recorded in the cities of Moscow (3 killed, 26 injured) and St. Petersburg (3 killed, 16 injured), and in the Moscow and Vladimir Regions (0 killed, 6 injured). In addition, a significant number of victims was reported in the Omsk Region (1 killed, 2 injured) and the Republic of Tatarstan (1 killed, 2 injured).

By comparison with the previous year, the situation in the Khabarovsk Region has slightly improved (0 killed, 2 injured).

A number of regions that figured in our 2015 data set no longer do so this year (the Volgograd, Voronezh, Kaliningrad, Kaluga, Kirov, Kurgan, Kursk, Murmansk, Nizhny Novgorod, Samara, Tver and Perm Regions, and the Republic of Karelia). However, crimes were reported in a number of new regions (the Vladimir, Omsk, Chelyabinsk, Zabaykalsk, Krasnodar and Stavropol Regions).

### Attacks against “Ethnic Outsiders”

As before, those perceived by the attackers as “ethnic outsiders” made up the largest group of victims, and the proportion of attacks on this group has risen significantly: in 2016 we recorded 44 victims of ethnically motivated attacks (7 of whom died), compared to the 38 recorded in 2015. Migrants from Central Asia, as usual, constitute the largest group of victims, with 2 killed and 22 injured (vs. 4 killed and 6 injured in 2015). In addition, there were victims of unspecified “non-Slavic appearance” (1 killed and 7 injured). Since people in this group of victims were most often described as “Asian” in appearance, the vast majority of them are likely to be migrants from Central Asia (in 2015, this group numbered 1 killed and 10 injured). Victims from the Caucasus region include 2 killed and 1 injured (vs. 0 killed and 5 injured in 2015).

Xenophobic attacks against other “ethnic outsiders” involved an Indian citizen killed in Kazan, a Bangladeshi citizen who suffered battery in Moscow, and Korean citizens who suffered battery in St. Petersburg and Tula.

Anti-Semitic attacks are quite rare in Russia, but anti-Semitic rhetoric is very noticeable in the radical-right segments of the Internet. Consequently, there remains a risk of anti-Semitic attacks. Over the last 3 years we have consistently recorded 1 to 2 attacks per year. In the last year we recorded 3 victims

of anti-Semitic attacks in Moscow and St. Petersburg (vs. 2 Jewish victims in 2014 and 2 in 2015).

Some attacks (especially those against adolescents and women) were marked by their extreme cruelty. For example, a 20-year-old African woman was raped and brutally murdered in December 2016 in Moscow. One of the suspects arrested, nicknamed “*Kolyuchka*” (“Spike”) stated that what had motivated him were “his radical views”<sup>4</sup>. The young men claimed that they considered the victim to be “dirty”. In August 2016, a 17-year old boy from Tajikistan was found near a 24-hour shop on Lensky Street, St. Petersburg, with multiple knife wounds to the back and two severed fingers. Three young suspects, armed with bats, knives and machetes, were detained.

This year we have recorded multiple incidents of group attacks on people from Central Asia and the Caucasus in subway and commuter train cars (the so-called “white carriages”). We know of at least 5 such incidents. However, attacks in subway cars are also carried out by lone individuals. An incident that took place on 8 April 2016 caught media attention: in Moscow, a subway passenger attacked two immigrants from Tajikistan, Mukhammadzhon Khakimov and Sulaimon Saidov, inside a train carriage at the Kaluzhskaya station.

Ultra-right raids on markets and other public spaces continued. Thus, in St. Petersburg, Dmitry Bobrov carried out a so-called Russian Purge (*Russkaia zachistka*) – a number of raids in search of places of illegal trade. The ultra-right group North-Slavic Village (*Stanitsa Severo-Slavianskaia*) organized raids in areas where migrant workers live. Approximately 10 people, together with the police, broke into flats in derelict apartment buildings and forced Central Asian migrants out onto the street. In Moscow, activists from the National Conservative Movement (*Natsional’no-Konservativnoie Dvizhenie*) checked the registration and sanitation paperwork of kebab vendors. In Podolsk, they also raided the places where melons and watermelons were sold. In Moscow, the Citadel project (*Tsitadel’*), led by Vladimir Ratnikov, carried out raids in search of illegal melon and watermelon sellers.

### Attacks on Ideological Opponents

In 2016, the number of ultra-right attacks against political, ideological or “stylistic” opponents decreased slightly to 8 injured (vs. 13 in 2015)<sup>5</sup>. Those tar-

<sup>4</sup> Girl’s body with multiple knife wounds found in south-east Moscow // life. 2016. 23 December. ([https://life.ru/t/новости/951185/tielo\\_zhiestoko\\_ubitoi\\_dievushki\\_naidieno\\_v\\_moskvie](https://life.ru/t/новости/951185/tielo_zhiestoko_ubitoi_dievushki_naidieno_v_moskvie)).

<sup>5</sup> These attacks had peaked in 2007 (7 killed, 118 injured) and were consistently decreasing in number. The lowest point was in 2013 (7 injured). For more information see: V. Alperovich, N. Yudina. Calm before the Storm...

geted included a *Greenpeace* volunteer in the Krasnodar Region and an “emo” teenager in Vladimir. A number “inappropriately dressed” schoolchildren<sup>6</sup> were beaten up by neo-Nazis in Vladivostok.

This category also includes those seen as “fifth column” or “traitors”. On 11 July an employer of the Russian social media website VKontakte, Denis Samsonov, was attacked in St. Petersburg. The attackers shouted “National traitor, Jew, fifth column”<sup>7</sup>.

As a rule, in attacks of this kind, one gets some participation from the members of pro-Kremlin nationalist movements. For example, in Moscow, on 28 April 2016, activists from National Liberation Movement (*Natsional’no-osvoboditel’noe dvizhenie*, NOD) attacked the attendees at a ceremony for the winners of Russia’s annual senior high school students’ research project competition: “Man in History. Russia – 20th Century”<sup>8</sup>.

Some victims have been “collateral damage”, injured as they tried to protect those immediately targeted in the attack. For example, this was the case when a native of Kyrgyzstan, Nurik (Atabek) Munduzov was killed near Ryazansky Prospekt metro station in Moscow in August 2016. A 29 year old man, a passerby, was riding his motorcycle when he heard shouting. He pulled over and ran after the attackers, but was struck with a knife in the shoulder.

### Attacks against LGBT and Homeless People

Attacks on members of the LGBT community have decreased slightly (1 killed and 5 injured in 2016 vs. 9 injured in 2015).

However, the attacks have become more serious. On 31 March 2016, the journalist Dmitry Tsilikin was brutally murdered. A suspect, Sergey Kosirev, was detained. Kosirev referred to himself as a “cleanser”, his life’s purpose being to “crusade against a certain social group”. What drove him to kill Tsilikin was “not dislike – as your report states – but hatred”<sup>9</sup>. Despite this, law-enforcement

<sup>6</sup> Group of young men in Snegovaia Pad’ beats up schoolchildren, extorts money, attempts to establish white supremacy // Novosti Vladivostoka 2016. 11 May (<http://www.newsvl.ru/vlad/2016/05/11/147231/#ixzz48KF7rjV>).

<sup>7</sup> VKontakte employee battered and robbed in St. Petersburg; attackers shouted “national traitor, Jew, fifth column” // Mediazona. 2016. 13 June (<https://zona.media/news/2016/12/06/s-krikami>).

<sup>8</sup> For more information see: Feel the epoch for yourself: “patriotic” activists throw eggs at children taking part in competition // Meduza. 2016. 28 April (<https://meduza.io/feature/2016/04/28/pochuvstvovat-epohu-na-sebe>).

<sup>9</sup> Man from ultra-right suspected of killing journalist Tsilikin // SOVA Center. 2016. 8 April (<http://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2016/04/d34258/>).



agencies charged him with ordinary murder (Article 105 of the Criminal Code), with no mention of a hate motive. On 29 September 2016, a petition started by Natalia Tsymbalova, a civic activist, appeared on change.org, calling for the murder of Dmitry Tsilikin to be reclassified as a hate crime<sup>10</sup>.

Attacks are not limited to people participating specifically in LGBT actions and events; participants of any action where LGBT symbols are displayed can find themselves targeted. On 19 January, for example, 10–15 members of God's Will (*Bozh'ia volia*), headed by Dmitry (Enteo) Tsorionov, turned up at a rally in memory of the murdered human rights lawyer, Stanislav Markelov, and the reporter Anastasia Baburova<sup>11</sup>. They intended to “beat up gays”, but were stopped by the police.

Aggressive football fans, aside from jeering and displaying racist symbols during games<sup>12</sup> (including European Championship matches<sup>13</sup>), also attacked members of the LGBT community. In the early hours of 15 June 2016, a group of football fans attacked customers at the “Mono” gay bar in Yekaterinburg.

The infamous “Khabarovsk knacker-girls” (*“khabarovskie zhivoderki”*) also bullied and attacked LGBT people. Investigations confirmed that the two teenage girls and their male accomplice, who are accused of torturing and killing animals, were involved in the incitement of hatred and insulting the feelings of religious people. According to investigators, one of the girls and an 18-year-old man recorded and edited a video of a man. This video was judged to be “aimed at the abasement of dignity of a person or a group of persons on the basis of affiliation to a social group”. (The investigative committee's report leaves it unclear which social group is being referred to; however, the girl's social media page contains posts about violent attacks on homeless and LGBT people in 2016.)<sup>14</sup>

Fewer attacks on homeless people came to our attention in 2016 than in 2015 (1 killed and 1 injured, vs. 3 killed and 7 injured in 2015). Intoxication and unkempt appearance were cited as the reasons for the murder of Alexander

<sup>10</sup> Reclassify Tsilikin's murder as a hate crime // change.org. 2016. 29 September (<https://www.change.org/p/признать-убийство-циликина-преступлением-на-почве-ненависти>).

<sup>11</sup> See SOVA report for more information on the story: Hundreds March in Memory of Markelov and Baburova in Moscow 24 January 2016 // SOVA Center. 2013. 24 January (<http://www.sova-center.ru/en/xenophobia/news-releases/2013/01/d26273/>).

<sup>12</sup> Right-foot-ball // SOVA Center. 2016. 20 May (<http://www.sova-center.ru/racism-xenophobia/publications/2016/05/d34534/>).

<sup>13</sup> Marseille Fans: racism on top of all // SOVA Center. 2016. 16 June (<http://www.sova-center.ru/racism-xenophobia/publications/2016/06/d34799/>).

<sup>14</sup> For more information see: Khabarovsk knacker-girls accused of inciting hate and insulting religious sentiment // SOVA Center. 2016. 11 November (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/11/d35813/>).

Chizhikov, the leader of a Bryansk rock band *Otvét Chamberlenu* (The Answer to Chamberlain), on 28 July 2016. The suspects, aged 19 and 21 years old, were “supporters of an informal movement aggressively advocating intolerance towards people outside of society”. They stabbed the musician who had been sleeping near a heating system pipe<sup>15</sup>. They were charged under Article 105, Part 2, clauses. “g” and “k” of the Criminal Code (“Murder committed by a group of persons by previous concert, by reason of hatred with respect to some social group”). There are, almost by definition, more such attacks than we are aware of, because we only record those crimes where hate has already been recognised as a motive by the investigation.

### Violence Motivated by Religion

The number of victims of religious xenophobia was greater than in the preceding year (20 injured, vs. 18 in 2015). One other person received a credible death threat.

Most of the victims were Jehovah's Witnesses, who have faced state-endorsed persecution for many years. In 2016, at least 18 Jehovah's Witnesses were targeted. Other victims include the Pentecostals in Alexandrov, Vladimir Region.

### Vandalism

In 2016, there was a lower rate of vandalism motivated by religious, ethnic and ideological hatred than in the previous year. There were at least 44 cases of such vandalism in 26 regions in 2016, compared to at least 56 cases in 32 regions in 2015.

As in 2015, most cases of vandalism in 2016 were distinctly ideological in nature: the defilement of monuments to Marx, Lenin, and the Revolution, as well as communal war graves, the FSB Museum, etc. (14 incidents in total compared to 19 in 2015). The data does not include isolated cases of swastikas and other images of this kind on buildings and fences.

Russian Orthodox religious were the second most commonly vandalised: 10 incidents, 2 of which involved arson (vs. 9 incidents in 2015 and 10 in 2014). Sites of new religious movements (all of them belonging to Jehovah's Witnesses) were the third: 9 incidents, including 1 bombing and 2 arson attacks (vs. 11 incidents in 2015). Jewish sites were the fourth: 5 incidents, the same as the previous year, including 1

<sup>15</sup> New accusation for the defendants in criminal case about murder of Bryansk Musician // Office of Investigations, Investigative Committee of the Russian Federation, Bryansk Region. 2016. 21 December (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/12/d36056/>).

arson attack. Muslim sites were the fifth: 4 incidents of vandalism, of Muslim sites (vs. 7 in 2015). Two Buddhist sites were vandalised: a temple in St. Petersburg and a statue of Buddha in Elista, Kalmykia. No Buddhist sites were targeted in 2015.

The data shows that the number of attacks on religious sites did not change significantly between 2015 and 2016 (30 incidents in 2016 vs. 29 in 2015).

However, the number of more dangerous incidents – fires and explosions – fell slightly to 13%: 6 out of the total of 44, compared to 10 out of the 56 in the previous year.

The geographic distribution has changed somewhat. A number of new regions reported acts of vandalism in 2016: the Altai, Zabaykalsk, Amur, Arkhangelsk, Ivanovo, Kaliningrad, Kursk, and Rostov Regions, the Republics of Karelia, Kalmykia, Crimea, Tatarstan, and Chuvashia, the Stavropol and Khabarovsk Regions). Meanwhile, some previously featured regions have disappeared from our 2016 statistics: the Moscow, Bryansk, Volgograd, Vologda, Kostroma, Lipetsk, Murmansk, Novosibirsk, Samara, Sverdlovsk, Tver, Tomsk, Tula, Ulyanovsk, Chelyabinsk, Krasnodar and Krasnoyarsk Regions, the Republics of Bashkortostan and Khakassia, and the Komi Republic.

The geographic distribution of xenophobic vandalism was broader (26 regions) than that of violence (18 regions). The geographic distribution of vandalism overlaps with that of racist violence in only 6 regions (vs. 10 in 2015): St. Petersburg, the Zabaykalsky Region, the Republic of Tatarstan, the Rostov, Stavropol and Khabarovsk Regions.

## Public Activity of Right-Wing Radicals

### Pressure against the Ultra-Right Movement

Throughout 2016, law-enforcement agencies continued to monitor more actively the leaders in the anti-government ultra-right organisations. As mentioned, criminal charges and other types of pressure against the far-right began to increase significantly at the end of 2014.

Last year, in addition to the ongoing cases against the publicly active nationalists, new prosecutions were launched. Many of these were against those ultra-right leaders who had already come to the attention of law-enforcement agencies in recent past. Thus began a second round of criminals and administrative prosecutions.

Let us recount the year's most attention-grabbing criminal cases and searches that involved the public figures of Russian nationalism:

- In April, a search was conducted at the residence of the leader of the

Moscow branch of the Nation and Freedom Committee (*Komitet "Natsiia i svoboda"*, KNS), Vladimir (Ratnikov) Komarnitsky. This was part of investigations under Article 282 of the Criminal Code. He was charged with publishing (posting on a social network) forbidden songs by the neo-Nazi groups *Kolovrat* and *Bandy Moskvyy* (Gangs of Moscow)<sup>16</sup>. Ratnikov was released on probation in September.

- In April, Dina Garina, head of the ultra-right movement "The Russians of St. Petersburg", faced new charges under Article 282 of the *Criminal Code* ("Incitement of hatred on the basis of nationality") [In keeping with the Russian terminology, here and elsewhere "nationality" is what is more commonly referred to as "ethnicity" in English.] and Article 280 ("Public Appeals for the Performance of an Extremist Activity"). Garina had already been convicted under the Article 280 two months earlier<sup>17</sup>. In April, one of the organisers of the Russian Marches in Lipetsk was charged under Article 282 of the Criminal Code<sup>18</sup>.

- In May, a second case was brought against Dmitry Bobrov, head of the banned National Social Initiative (*Natsionalnaya sotsial'naya initsiativa*, NSI), under Article 282 of the Criminal Code. It is notable that the charges involved the on-line republication of an article entitled *The Racial Doctrine (Rasovaia doktrina)*. Bobrov was charged with distributing the article as part of the first case against him.

- In May, yet another criminal case was brought against the neo-Nazi Viacheslav Datsik, known as "Red Tarzan", under Article 161 of the Criminal Code ("Robbery"), following his recent release from prison. He is suspected of stealing purses and mobile phones from women working at a brothel that he had raided and trashed.

- In Vologda, in May, law-enforcement agents conducted a search at the home of the administrators of the nationalist social media group Russian Vologda (*Russkaia Vologda*). As far as we know, no new charges were made after the searches were conducted<sup>19</sup>.

<sup>16</sup> Criminal case launched against leader of RFO Memory (Pamiat) // SOVA Center. 15 April 2016 (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/04/d34318/>).

<sup>17</sup> Dina Garina's home searched in connection with a hate crime criminal case // SOVA Center. 2016. 21 April (<http://www.sova-center.ru/misuse/news/persecution/2016/04/d34366/>).

<sup>18</sup> Case of "Russian March" organiser goes to court in Lipetsk // SOVA Center. 2016. 27 September (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/09/d35483/>).

<sup>19</sup> Local nationalists' homes searched in Vologda // SOVA Center. 2016. 13 May (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/05/d34549/>).

- Vladimir Kvachkov, a retired colonel and head of the banned movement People's Militia in the Name of Minin and Pozharsky ( Narodnoe opolchenie imeni Minina i Pozharskogo, NOMP), was charged in June under Article 205<sup>20</sup> of the Criminal Code ("Public Calls for Committing of Terrorist Activity"). He is already serving a separate eight-year sentence. The case was brought in connection with the charges against the NOMP leader over public incitement to rioting and violence<sup>20</sup>.

- Yury Yekishev, head of People's Militia of Russia ( Narodnoe opolchenie Rossii, NOR) was arrested in June and then charged under Article 282 of the Criminal Code. The case had been active since 2014.<sup>21</sup> He is suspected of publishing an anti-Semitic post on behalf of NOR. A search was conducted in connection with this case also at the home of Vladimir Kurchenko (Maksim Kalashnikov), a radical journalist and a supporter of NOR.

- Searches were conducted in July at the Moscow offices of the unregistered party Other Russia (Drugaiia Rossiia)<sup>22</sup>. The official reason for the searches was a tip-off regarding the possible preparation of a terrorist attack by party activists.

- Dmitry Dyomushkin, former head of the banned "The Russians" Association (Obiedinenie "Russkie"), was detained and placed under house arrest in October, immediately after submitting a request to hold the annual Russian March in Moscow<sup>23</sup>. The nationalist was previously charged under Article 282 of the Criminal Code for publishing photographs of Russian March banners on social media. Proceedings first began back in 2015, but Dyomushkin was placed under further investigation in June 2016. Investigations were resumed in August, and in December he faced further charges, again for publishing more xenophobic pictures on social media. At the time of writing, court proceedings were beginning, and Dyomushkin was still under house arrest.

- In December, two administrative cases were brought against two of Dyomushkin's associates and organisers of the Russian March in Moscow, Ivan Beletsky and Yuri Gorsky under Article 20.2 of the Administrative Code ("Violating the established procedure for organizing a meeting"). According to new

<sup>20</sup> NOMP leader Col. Kvachkov accused of inciting terrorism // SOVA Center. 2016. 2 June (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/06/d34697/>).

<sup>21</sup> Yury Yekishev detained in Moscow // SOVA Center. 2016. 23 June (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/06/d34857/>).

<sup>22</sup> Police search Moscow Offices of "Other Russia", 14 detained // Meduza. 2016. 20 February (<https://meduza.io/news/2017/02/20/politsiya-prishla-s-obyskom-v-moskovskiy-ofis-drugoy-rossii-14-chelovek-zaderzhany>).

<sup>23</sup> Dmitry Dyomushkin detained in Moscow // SOVA Center. 2016. 21 October (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/10/d35664/>).

regulations, three guilty verdicts in one year on administrative charges brought under this article can be cause for criminal charges under Article 212<sup>1</sup> of the Criminal Code ("Repeated violation of the established procedure for organizing or conducting a meeting"), if a fourth charge is brought for an administrative offence of this category.

Two years of state pressure on the ultra-right movement and, in particular, on the leaders of almost all the main organizations of this political bent could not fail to affect the very structure of the ultra-right sector. This is why we have had to include this mini-chapter. As will be shown, in 2016, in an attempt to adapt to a new reality, the nationalist movement as a whole began to restructure itself. New leaders have come to the fore, new organizations have been created, and new alliances formed. In addition, nationalists are being forced to look for new forms of public activism, in order to attract less attention from law-enforcement agencies.

### New Organisational Developments

Given the changing state of play, there is need to find new ways to exist, and the ultra-right has, throughout the year, been actively engaged in organizational development. Russia's changing political environment, the divide over the "Ukrainian issue", and the fact that many prominent organizations have lost their influence or ceased to exist entirely means that the established balance of power in the ultra-right sector has been disturbed. Both old and new alliances among the right-wing radicals have had to find new definitions for themselves. There are decisions to be made concerning which "comrades" one should work with (or against), and whether other ideologically different factions are to be joined or denounced.

Although, the Ukrainian conflict lost much of its emotional and partly political sensitivity as a criterion of division of ordinary Russians quite as much as it did before, it still remains something of a fault line within the ultra-right. The organisations that have found themselves on the opposing sides of this divide in 2016 are now developing in very different ways.

At the beginning of 2016, the most talked about innovation in the segment of the ultra-right that had at one point supported the "Russian Spring" was the appearance of the Committee of 25 January (*Komitet 25 Ianvaria*, K25). This was set up by several well-known nationalist leaders, specifically Igor Strelkov (of the "Novorossiya" movement), Eduard Limonov (Other Russia), Konstantin Krylov (National-Democratic Party, *Natsional-Demokraticheskia Partiiia*, NDP), Yegor Prosvirnin (*Sputnik and Pogrom* website), Maksim Kalashnikov (Party of Work, *Partiia Dela*), Anatoly Nesmiyan (a blogger known as "El

Murid”), and a number of others<sup>24</sup>. The make-up has changed a little since. Notably, E. Limonov has deserted K25, while the journalists Dmitry Olshansky and Yegor Kholmogorov have joined. Initially, K25 was intended as a discussion forum and an information exchange hub, but it quickly began to transform into an organization with an internal hierarchy and a set of rules. This process was completed in spring, when the K25 was renamed the All-Russian National Movement (*Obshcherusskoe National'noe Dvizhenie*, OND) under the leadership of Igor Strelkov. The OND continued to present itself as the “third force”, in opposition to both the “pro-Western white-ribbon liberals”, and “the statist”<sup>25</sup>. Renouncing its status as a “club” and entering the fray as a political organization has not worked out well for K25. Despite opening a branch in St. Petersburg, the organization ran just one more or less successful event, a commemoration of those who died the Trade Union House in Odessa on 2 May 2014 (see below for more information). The group still does not have a website of its own, and its participation in public politics is practically non-existent.

Another union of nationalists who had supported the “Russian Spring” and tried to gain recognition as a political organization also tried to “level up” to the status of a political organisation: the National-Conservative Movement “Russian World” (*Natsionl'no-Konservativnoe Dvizhenie “Russkii mir”*, NKD), headed by Mikhail Ochkin and Valentina Bobrova. In March, the NKD announced its intention to become a “serious political force”, but it seemed to select rather random topics for public activities: the organization campaigned against abortion, demanded visas to be introduced for citizens of Central Asian countries, protested against Turkish foreign policy, and staged raids against illegal kebab vendors. Just like the K25, the NKD saw little success: none of its actions gained much momentum or attention, and after the September elections, in which Bobrova was one of the candidates, the activity of the movement subsided and remained low until the end of the year.

Another coalition, the Battle for Donbass, inspired by the general themes of “Novorossiya” and the “Russian Spring”, underwent a transformation in 2016. This pro-government alliance first appeared in 2014, and was primarily oriented towards staging public rallies. Leading figures in the organization were the heads of the Right-Conservative Alliance (*Pravo-Konservativnii Al'ians*, PKA) Aleksei Zhivov and Yevgeny Valiaev. Searches were conducted in both of their homes in the

<sup>24</sup> The “navel” of the land of Novorossiya // *Gazeta.ru*. 2016. 26 January ([https://www.gazeta.ru/politics/2016/01/26\\_a\\_8041871.shtml](https://www.gazeta.ru/politics/2016/01/26_a_8041871.shtml)).

<sup>25</sup> The political declaration of the All-Russian National Movement under the leadership of Igor Strelkov // The “Novorossiya” Movement. 2016. 28 May.

spring of 2015, which seemed to dampen their resolve. As a result, the Battle for Donbass transformed from an organizer of large-scale rallies into another social media group that posts on the subject of Ukraine on the popular social network VKontakte. In 2016, Valiaev decided to work solely for the National Diplomacy Foundation, while A. Zhivov founded a new organization: the *Russian Civil Society (Russkoe Grazhdanskoe Obshchestvo*, RGO), originally called the *Right Patriots (Pravye Patrioty)*. In the spring, A. Zhivov and the RGO, together with Oleg Vozovikov and his social media group Evil Russians (*Zlye russkie*), founded the Dostoevsky Discussion Club. Meetings are attended mostly by right-wing conservative politicians and experts. Thus, A. Zhivov went from leading the dying Battle for Donbass to leading a reasonably well-respected nationalist forum. It is worth noting that the development of the Battle for Donbass almost mirrors the “evolution” of the Committee of 25 January, which began to die as an organization when it renounced the idea of being a “club”.

The Russian National Front (RNF) is another example of an ultra-right union dedicated to the “Russian Spring”. A branch was opened in St. Petersburg, and the Elena Rokhlina’s Foundation for the Support of Russian Political Prisoners has been set up. Despite this, like Strelkov’s OND, the organization remained fairly inactive throughout the last year, while its public actions, when they did actually happen, often drew fewer activists than they did in 2015.

As can be seen from the above, the organizations that supported the “Russian Spring” underwent fundamental and positive organisational changes at the beginning of the year. Yet the second half of the year brought them little to boast about. The reverse trend could be seen for those movements that, in contrast to the ones described above, failed to show support for “Novorossiya”. In 2014 and 2015, they seemed to face more difficulties, because this part of the ultra-right had suffered more from being targeted by law-enforcement agencies and had lost key active members because of differing opinions on Ukraine.

The largest of these unions was the “The Russians” Association, headed by Alexander Belov and Dmitry Dyomushkin, which in 2014 was deserted by all its member organizations that disagreed with the Moscow leaders’ position on Ukraine (Russian Imperial Movement / *Russke imperskoe dvizhenie*, RID; the National Social Initiative/NSI; the Russian Khimki/*Russkie Khimki*, and others). Then, in 2015 “The Russians” were declared an extremist organization and ceased to exist completely. In place of the union rose a number of less extreme organizations. Thus, in the first half of 2016, this part of the ultra-right sector had gone full circle.

The first organization of note to have arisen from “The Russians” “The Russians” was the Nation and Freedom Committee (*Komitet “Natsiia i svoboda”*,

KNS), founded in September 2014 by Vladimir Basmanov, one of the leaders of “The Russians” which had been declared extremist. It became apparent quite quickly that the KNS could not claim to take the place of the banned coalition. Firstly, Basmanov would not work with t “The Russians” other former leader, Dyomushkin, which lead to the loss of a part of the group. Secondly, Basmanov is unable to fulfil the role of the “talking head of Russian nationalism”, as he is significantly less well-known in the media than his brother, Belov, or, for that matter, Dyomushkin himself. Thirdly, Basmanov has emigrated some time ago, meaning he is physically unable to take part in demonstrations and give off-the-cuff statements to the media.

At the beginning of 2016, the KNS too was beginning to divide; in the winter, a spin-off group by the name of Free Russia (*Svobodnaia Rossiia*) emerged, led by the KNS activist Denis Romanov-Russky. In the first half of the year, as far as we know, the new organization continued to collaborate with the KNS, but after the September elections, Romanov-Russky joined Dyomushkin and his supporters who were KNS rivals.

Also in the winter, another organization that had formed in place of the banned Russians also disintegrated. This was For Honor and Freedom (*Za Chest' i Svobodu*), led by Alexander Samokhin, the former head of “The Russians” Ryazan' branch, and Ratnikov from RFO Memory (*RFO “Pamiat”*), the KNS and the Black Bloc (*Chernyi Blok*). As For Honor and Freedom broke down, Ratnikov withdrew his anti-migrant project Citadel out of the organization, and Samokhin renamed what was left of For Honor and Freedom, to simply Honor and Freedom (*Chest' i Svoboda*). The division was reportedly down to the fact that the organization was originally founded as a compromise between national-conservative democrats and national-radicals (essentially national-socialists), and the groups were unable to come to any agreement. After the breakup of the initial For Honor and Freedom, Honor and Freedom, led by Samokhin, started to develop separately from the other ultra-right projects, and the Citadel joined forces with the Black Bloc and Edelweiss (*Edelweis*), a support foundation for imprisoned nationalists, to found an on-line network called the Autonomous NS of Moscow (NS = National Socialists, *Avtonomnye NS Moskvy*). The aim was to become the voice of national-socialism supporters. It is too early to say whether the network will succeed in this, as most of the initiatives that it has promoted have received minimal support.

As has been mentioned, nationalists opposing the “Russian Spring” faced more difficulties than those who supported the “Novorossiya” movement, and, to counter this marginalization, most decided to work with the liberal opposition. Somewhat paradoxically, these particular nationalists and the liberals shared some of the same views on the situation in Ukraine. This partnership

meant that the right-wing radicals were able to use the liberals' resources and demonstrations to their own advantage. To varying extents, the following organizations also took part in this collaboration: the KNS (under Basmanov), Dyomushkin's supporters (who had been operating without a name for approximately one year), Free Russia (under Romanov-Russky), Honor and Freedom (under Samokhin), the Russian Joint National Alliance (*Russkii obiedinennyi natsional'nyi al'ians*, RONA, – under Oleg Filatchev), and the Russian Right Party (*Rossiiskaia pravaia partiia*, RPP, – under Vladimir Istarkhov). However, relations between the ultra-right activists who were allied with the liberals were quite often strained, which sometimes led to clashes.

This seems to have brought little new by way of tangible success in the period leading up to 29 May 2016, which is when the on-line primaries of the democratic coalition around the PARNAS party were held. Unexpectedly, the person who won them was Viacheslav Maltsev, the nationalist blogger from Saratov, who presents Bad News (*Plokhie Novosti*), a programme on the YouTube channel *Artpodgotovka* (“Artillery Workup”). His victory could have gone down as just another odd turn of events in the fairly disastrous, scandal-ridden primaries, had PARNAS not subsequently decided to list Maltsev as their second candidate in the Russian State Duma elections. It is irrelevant how the party came to this decision – maybe the leadership genuinely believed in the alliance of liberals and nationalists, or maybe they simply wanted to put an end to the scandal surrounding the primaries – either way, a precedent was set.

Of course, those among the ultra-right who did not support “Russian Spring” in 2014 could not miss the fact that a candidate who shared their views was entering state politics. A group of nationalists formed around Maltsev, wanting to somehow play a part in his future political career and. As time went on, they were joined by some activists with liberal-democratic leanings (see the Elections section for more information).

Even though the election itself proved a fiasco for PARNAS, and Maltsev was not elected to the Duma, the alliance between the nationalists and the civic activists had proved to be valuable during the pre-election campaign. Once the elections were over, members of Maltsev's election team, namely the civic activist Mark Galperin (who campaigned for Maltsev), the nationalists, Dyomushkin's followers, Yury Gorsky and Ivan Beletsky, and various others, launched a series of rallies entitled the Walks of the Opposition and called on activists of all backgrounds to join them – nationalists, liberals, leftists and any other “angered citizens”.

The rallies gained publicity and, by the end of autumn, the walks had started to develop into an organization: they gave rise to the New Opposition movement (*Novaia Oppozitsiia*), whose organizing committee included liberal-democratic

civic activists such as Mark Galperin, as well as a number of nationalists, for example Gorsky, Beletsky, Romanov-Russky and Andrei Petrovsky. Maltsev has not officially been a member of the New Opposition's organizing committee, but has, from its inception, maintained ties with its leaders, helping, for example, to promote the rallies and attending the "walks" in person.

The raising of Maltsev's profile meant that the blogger from Saratov came to gain more supporters and followers across different cities. They formed dozens of groups on social media websites under the general brand of *Artpodgotovka*. On these social media networks, they published broadcasts called Bad News, announced various demonstrations across different cities, published propaganda material, reported on past activities, etc. This led to a somewhat paradoxical situation: *Artpodgotovka* began to acquire some of the features of a political organization with regional branches, although no such organization officially existed at the time. As far as we can tell, the New Opposition was founded with the purpose of organizing and mobilizing these "activist resources".

Particularly notable is the fact that, before the creation of the New Opposition, Basmanov's KNS tried to win over Maltsev's followers. Before the elections, Basmanov had started to rename his regional groups, removing his own brand and adding the word *Artpodgotovka*. Because of this, a whole string of organizations with titles along the lines of the Volgograd Nationalists: *Artpodgotovka (Natsionalisty Volgograda. Artpodgotovka)* appeared on VKontakte. It appears that Basmanov was hoping to attract the admirers of Maltsev's YouTube channel to the organisations administered by the KNS. However, unlike the New Opposition that had the support by Maltsev himself, he was not very successful.

It must be noted that, despite the predominance of the ultra-right in the organizing committee and the support for Maltsev amongst the ultra-right rank-and-file, the New Opposition took great pains to dissociate itself from the radical right, instead presenting itself to the public as an egalitarian movement. For the ultra-right leaders of the New Opposition, this clearly presented some difficulties, because many supporters of the movement were not prepared to demonstrate alongside activists with different ideologies and, in all likelihood, were not always comfortable with a move away from the conventional forms of xenophobia. This seems to be why Dyomushkin's supporters, including some who had taken part in Maltsev's election campaign and the New Opposition demonstrations, began, in autumn, to talk of launching their own strictly ultra-right movement – the Party of Nationalists (*Partiia Natsionalistov*) – to represent in a range of joint opposition activities. Among the founders were Dyomushkin, Beletsky, Gorsky, and Romanov-Russky, Sergey Erokhov (of *Demvybor* [Democratic Choice]; ran in the Russian State Duma elections; campaign managed by Romanov-Russky), and Alexander Gruzinov (a municipal councillor and formerly a

member of "The Russians"). The nationalists announced that they planned to secure a status of a political party and that they would soon submit the necessary documentation to the Ministry of Justice. It is quite clear that the party will be unable to formally register; however, participation in the process alone provides publicity for the new leaders and their movement, presenting them as victims of misuse of power by the government. Dyomushkin and his supporters have thus also secured their claim on the Party of Nationalists brand (*Partiia Natsionalistov*) – a brand already widely promoted by "The Russians" – and fostered a public perception of their role with the wider oppositional structures as representatives of some bigger organization.

The project of launching a political party is unlikely to bring much unity. Indeed, Basmanov – the head of the KNS, one of the former leaders of "The Russians" and a supporter of Maltsev – has called the project of registering the Party of Nationalists unrealistic and said that he and Dyomushkin had no plans to create any new organizations or movements together<sup>26</sup>.

It is still quite difficult to gauge the potential impact of any new organization appearing in the wake of Maltsev's pre-election campaign. Such organisation only took shape at the end of the year, and therefore no long-term trends have as yet emerged. At first, their activities gained much attention, but this was not because of what they achieved – rather, it was because they took place against a background of post-election calm and a decline in support for the "Russian Spring"

It must be said that it is largely thanks to Maltsev that those nationalists who do not share the same values as pro-Novorossiia supporters have, over the past year, developed a better relationship with the liberal movement and, as a result, gained a wider audience. This brings a renewed hope of wider support. The same goal was pursued – but never attained – by the ultra-right organizations when they joined the broad protest movements of 2011 and 2012. They did not attract new supporters, instead, by cooperating with the liberals, they had lost some of the old ones.

In December 2016, a new coalition of nationalist movements, the Coordination Council of National Forces (*Koordinirovannyi Sovet Natsional'nykh Sil, KSNS*), was announced. It was the initiative of the National Union of Russia (*Natsional'nyi soiuz Rossii, NSR*) that developed under the leadership of Vitaly Goriunov and Maxim Vakhromov (among others). This small organization warrants some attention: firstly, it is not based in either Moscow or St. Peters-

<sup>26</sup> Vladimir Basmanov: are we about to create a Party of Nationalists with Dyomushkin, so that we can take part in the federal elections? // VKontakte. Page of the "Nation and Freedom" Committee. 28 September 2016.

burg; secondly, unlike the other organizations mentioned above, it did not get sucked into the “Ukrainian schism” – anyone is welcome to join, irrespective of their stance on “Novorossiya”. Before the year was out, readiness to join the KSNS was announced by the leaders of the following: the St. Petersburg and Veliky Novgorod branches of Slavic Strength – North-West (*Slavianskaia sila Severo-zapad*); Russian Movement of Vologda (*Russkoe dvizhenie Vologdy*); the Novosibirsk organization Siberia 18 (*Sibir' 18*); the Orel Front (*Orlovskii front*); the Pskov Russian Republic (*Pskovskaia russkaia respublika*); branches of the Russian All-People's Union (*Rossiiskii obshchenarodnyi soiuz*) in Kaliningrad and Khabarovsk, and the NSR cells in Yekaterinburg, Krasnoyarsk and Tula. It seems that the primary concern of the KSNS will be coordinating the campaigns and demonstrations. In principle, given the geographic scatter of the cells, this should allow for the planning of such large-scale actions as the Russian March. Alternatively, it may allow the organisation to create an illusion that local events with more restricted agendas are, in fact, country-wide. It is worth bearing in mind that only some of the organizations that joined the KSNS are regionally significant for the ultra-right; others are small cells without any weight behind them. However, this does not matter to the KSNS, because it seems that the movement's founders are more interested in the geographic spread than the absolute number of members. In any event, it is unlikely that the nationalists' hope of regularly holding events in more than 10 regions at the same time and for the same cause will come to fruition. In practice, it seems that even branches of the same organization located in different cities struggle to coordinate events. If one takes into account the differences in ideologies and available resources across the various movements that have joined the KSNS, successful coordination seems all the less likely. Thus far, the KSNS has not even tried to organize anything; instead, it has focused on other activities such as creating social networks pages and publishing interviews with representatives from some of their member organizations.

Not all the nationalist organizations have participated in large coalitions and unions; some of them have continued to operate autonomously, developing along the course set in 2014–2015<sup>27</sup>.

First and foremost, this is true of mainstream nationalist parties such as NOD and the Great Fatherland Party (PVO, *Partiia "Velikoe otechestvo"*). The Motherland party (*Rodina*) is somewhat of an exception here. In 2015, it seemed like Motherland was planning to poach supporters from the ultra-right. A youth wing

called the TIGERs of Motherland (*TIGRy Rodiny*) was launched. Yet, in 2016, the party significantly scaled down its xenophobic propaganda and effectively disbanded the TIGERs. It seemed that the broader move away from xenophobia among the nationalist has been echoed by this relatively mainstream party.

There have been no significant changes in the pattern of public activities undertaken by the Other Russia – this despite Limonov officially stepping down in spring as the party's leader and appointing in his place a “triumvirate” of activists: Aleksei Volynets, Andrei Dmitriev and Alexander Averin. It is likely that Limonov remains the *de facto* leader of Other Russia, but technically he is now only the head of the party's executive committee. Except for Limonov's short-lived membership of K25, the party has not tried to get involved in any coalition activities.

It is unclear whether Sergey Baburin's Russian All-People's Union (*Rossiiskii obshchenarodnyi soiuz*; ROS) is currently in operation. On the one hand, the website has hardly been updated (except for holiday greetings), and Baburin, the leader, has not made any appearances as a representative of ROS, nor have there been any signs of organized rallies. On the other, a number of the regional cells have continued to operate under the party name, including some of those whose leaders have joined the afore-mentioned KSNS.

There are still “holes” left by the organizations that were banned in 2014-15 and/or had become inactive after their leaders got caught up in criminal proceedings. For example: no new organizations emerged from Bobrov's NSI; there is almost no sign of activity from Garina's “The Russians of St. Petersburg”; no other parties have risen from the remains of Martsinkevich's Restruk!; Kolegov's Frontier of the North has also completely ceased to exist.

### Public Rallies of the Ultra-Right

Nationalists did not hold many public rallies in 2016, but the ones they did hold were quite varied. Aside from the annual events in support of ultra-right activists in prison (of which more shall be said later), the nationalists also demonstrated quite regularly for what is a decidedly random selection of causes, attempting to mobilize their support base and shore up cohesion on any pretext going. There were pickets against unrestricted sale of alcohol, rallies to commemorate the birthday of Tsar Nicholas II, and gatherings to protest the renaming of a bridge in St. Petersburg after Akhmad Kadyrov, the Chechen president killed in a terrorist attack. There was a laying of flowers at the site where defenders of the Moscow White House died during the coup attempt of 1991, actions in memory of those involved in the Tambov Rebellion (an anti-Bolshevik peasant revolt of 1920), and much else.

<sup>27</sup> For more information see: V. Alperovich. The Transformation of the Ultra-right: 2013-16 // SOVA Center. 2016. 23 August (<http://www.sova-center.ru/en/xenophobia/reports-analyses/2016/08/d35252/>).

Nationalist engagement with this wide variety of causes was, first and foremost, a consequence of consistently being targeted by law-enforcement agencies, as well as the attempts to draw closer to other political factions. The latter has forced the nationalists to refrain from pushing their usual xenophobic agenda during public actions. Perhaps the only, and rather unsuccessful, attempts to return to the well-trodden anti-migrant ground were an unsuccessful picket in solidarity with the European ultra-right, attended by activists from the NDP, RID and Motherland held in February in St. Petersburg, and two pickets in support of “introducing a visa regime for Central Asian countries” which took place in St. Petersburg and Novosibirsk in March. The latter two rallies were led by the Pro-Visa coalition (*Koalitsiia “Za Vizovyi Rezhim”*), which was created by the NDP, RID and the Right Patriots after the high-profile murder of a four-year-old child by her Uzbek babysitter in Moscow. None of the three rallies above attracted many supporters or any media attention, even though they were based on high-profile events which were widely discussed in mainstream society.

Those among the nationalists who were more focused on their alliances with the liberals took part in a march in memory of Boris Nemtsov, the liberal politician who was killed in 2015. The march, organised by Nemtsov’s supporters, took place on 27 February. In Moscow, the march was attended by members of the following nationalist organizations: the KNS, Free Russia, Honor and Freedom, Dyomushkin’s group, RONA, RPP, and Aleksei Shiropaev’s National-Democratic Alliance (*Natsional-demokraticheskii al’ians, NDA*). Despite this impressive list of organizations, the turnout of nationalist activists was not great, especially as a proportion of the many thousands who attended in total – the nationalists accounted for only a few dozen.

The nationalists tried to participate in the long-haul truck-drivers’ protests against the *Platon* road-toll system. The drivers had been on strike over winter and spring and were supported by numerous opposition movements. Activists from the KNS and Free Russia tried to launch a campaign in support of the protesters: they visited the drivers’ camp in the Moscow suburb of Khimki, gave out flyers, and called on everyone who supported the drivers to come out in the streets – all with little success. In the end, they just joined the common protest rally in Moscow at the beginning of April. The nationalists were barely noticeable at this event. Aside from the truckers themselves, the bulk of the demonstrators were activists from liberal-democratic movements.

Starting from springtime, a significant proportion of the activities of those nationalists who had chosen to cooperate with other opposition movements and parties came to be devoted to the election campaigns. This resulted in, among other things, the increased popularity of Maltsev, the appearance of the Walks of the Opposition, and the creation of the New Opposition coalition.

The “Walks” have taken place in Moscow every Sunday since October. Interestingly, Mark Galperin has emerged as the leader of this movement, despite his appearance always being alongside Gorsky, Beletsky, Petrovsky and periodically Maltsev. Towards the end of the year, the “Walks” were held in other cities: St. Petersburg, Volgograd, Novosibirsk, Tula, and others. Yet nowhere was it truly a mass event. It never attracted more than a few dozen demonstrators. Sometimes there was only a handful. Nevertheless, during a period of calm, this new political activity attracted media attention – it was almost the only example of regular political protest.

Emboldened by success, the New Opposition announced plans to organize a string of “Anti-crisis Rallies”. They would demand that permits be granted for these events. And, if no permits were granted, they’d call for “people’s gatherings” (*narodnye skhody*) – with no need for any say-so from the authorities. This was indeed the form of the first Anti-Crisis rally. It took place on 3 December at the entrance to the Exhibition of Economic Achievements, a park and exhibition centre (VDNKh) in Moscow. A few dozens of people attended the uncoordinated rally to defend their right to gather. The nationalists in attendance included Maltsev, Beletsky, Gorsky, and Romanov-Russky. Some KNS activists also attended but not as part of the rally, rather as “observers”. It seems the latter wished to distance themselves from the protest of the rival organization. It is worth noting that the event was subsequently quite widely reported in the media – not so much because it attracted the attention of journalists in itself, but because three people were arrested (including Gorsky), and because it was attended by activists from the pro-Kremlin group S.E.R.B. (led by Gosha Tarasevich). The latter gathered in order to oppose the protest, but, in the end, refrained from doing so.

Another relatively sizeable event that one may associate with the New Opposition was Viacheslav Maltsev’s rally in defence of the Constitution, held on 11 December in the Sokolniki Park, Moscow. Dozens of activists took part (250 according to the nationalists, but this figure is likely exaggerated). There were speeches by Maltsev, Gorsky, and Galperin. The demonstration itself was led by Sergey Okunev, Maltsev’s co-presenter on Bad News. Same as in the previous case, the rally did not attract any media attention, but the arrest of Beletsky immediately beforehand received considerable coverage by several news outlets. This arrest and other instances of Beletsky receiving the attention of law-enforcement agencies provoked a new wave of allegations by the New Opposition concerning persecution of their leaders.

One amusing detail is that, since the alliance between the nationalists and the liberal-democrats is rather a strange one, journalists and political players alike often choose to ignore a given side of the New Opposition, calling the movement either just “liberal” or just “nationalist”. For example, Gosha Tarasevich describing the S.E.R.B.’s counter-rally against the New Opposition rally in



Moscow denounced the latter as a gathering of “liberal Russophobes”<sup>28</sup>, yet some media outlets presented it as a nationalist rally.

Yet it seems, the new alliance feels natural to some protesters. This is a cause for some concern. The lack of resistance to this liberal-democrat/radical-right partnership is partly explained by a belief in the potential efficacy of this large-scale anti-Putin coalition. Yet, it would seem that in a no smaller part it is driven by a common feeling of being persecuted by the state.

#### “Anti-repression” activities

As a result of the steady pressure which the ultra-right has been subjected to in recent years, “anti-repression” actions have become an important part of the nationalist repertory. Most of the large organizations take part in such rallies in one way or another, regardless of where they fall with regard to the “Ukrainian issue”.

As will be seen below, it is predominantly the supporters of the “Russian Spring” who organize the targeted events, whereas the opponents prefer to tack battle against repression onto the agenda of the demonstrations that are, fundamentally, about other causes.

The first rally of the year was specifically devoted to the nationalists in prison. It was organized by the RNF. In January, the RNF announced a national action in support of Kirill Barabash, an activist from the Initiative Group of the Referendum For Responsible Power (*IGPR “ZOV”*) who had been arrested. But, apart from one-man pickets in Moscow and Kaliningrad, nothing came of it. That said, in Moscow the picket was not quite one-man in the end: around a dozen activists attended. Six of them were arrested. A more successful rally in support of imprisoned nationalists was held in St. Petersburg on 31 January. It was organized by members of Other Russia and attended by Great Russia, the NDP, RID and some left-wing organizations (to the displeasure of RID who disapprove of alliances with the left). It was reported that 150 people attended the rally, although no more than 40 people can be seen at any one time in the photos.

The next demonstration to be of any note was again organized by the RNF, who announced that rallies and small demonstrations would be held on 12 March in support of Kvachkov. These were held in 8 cities in total: a few dozen gathered in Moscow, Volgograd and Yekaterinburg, but the actions in St. Petersburg, Kazan, Kaliningrad, Nizhny Novgorod and Syktyvkar no more than half a dozen activists each. By the standards of 2016, these were notable events; however, precisely one year before, the RNF had organized a series of distinctly more prominent rallies

<sup>28</sup> S.E.R.B.’s report about the Saturday action opposing the multitudinous gathering of Russia’s nation-traitors // The official Facebook page of Gosha Tarasevich. 4 December 2016.

demanding the repeal of Article 282 of the Criminal Code, which, unlike this year’s rallies, drew together many of the movements opposed to the “Russian Spring”.

In the summer, the subject of “repressions” was supposed to have been raised on the Russian Political Prisoner’s Day, but, for some reason, most of the nationalists seem to have ignored it. Altogether, at least 15 rallies were held in different cities on 25 and 26 July protesting Yarovaya’s Act and “repressions”. However, aside from Moscow, the attendance of the far right can only be confirmed in Volgograd, where there was a rally as well as a demonstration attended by Maltsev; in Saratov, where KNS activists turned out for the joint opposition rally; in Kaliningrad, where a single picketer arrived to represent the Baltic Vanguard of the Russian Resistance (*Baltiiskii avangard russkogo soprotivleniia*, BARS); and in Kursk, where KNS members conducted an organized raid, and a one-person picket was held.

In the autumn, ultra-right activists twice revisited the theme of political prisoners.

Firstly, there was a rally in Moscow organized by the RNF and Other Russia and attended by approximately 50 people. Outside of the capital, single picketers also appeared in St. Petersburg and Kaliningrad.

Secondly, some of the ultra-right used the Day of Remembrance of the Victims of Political Repressions, traditionally held on 30 October, to draw attention to the persecution of their comrades. In the past, nationalists had always ignored this day, considering it to be “liberal”, but this year proved an exception. In Moscow, a “walk of opposition” was organized, which ended at the Solovetsky Stone (a boulder from the Solovki prison camp now placed in Lubyanka Square as a memorial to the victims of political repressions). Although RONA joined the walk, there were only around 50 people in attendance in total. Outside of Moscow, events were held in three other cities: in Kaliningrad BARS activists laid flowers at the memorial to the victims of political repressions; three NDP activists did the same in Novosibirsk; and in Saratov, 10 NOR supporters held pickets in support of Kvachkov.

In addition to the actions listed above, the issue of criminal prosecutions was also raised by Basmanov’s KNS and the nationalists from the New Opposition. In some cases, they did so during actions with an entirely unconnected agenda. Similarly, Dyomushkin’s supporters seemed to bring banners with demands for his release to all the political rallies they attended.

#### Mainstream Nationalist Activities

Heroes’ Day (*Den’ Geroev*), traditionally the first action of the year (normally held on 28 February or the nearest Saturday to commemorate the actions of Pskov paratroopers in Chechnya) went by almost unnoticed. In fact, it had attracted little interest in the two years previously.

What turned out particularly successful was the second of the regularly held nationalist actions, the Russian May Day (*Russkii Pervomai*).

In Moscow, Dyomushkin applied for a permit to stage the usual procession, despite having no legal right to do so<sup>29</sup>. As expected, no permit was granted. So, same as in the previous year, the march never took place. The RNF's alternative procession, once again, turned out to be the main one – and the only one. Despite it being the only event, the RNF only managed to attract around 100 people, roughly one third fewer than in the previous two years.

In St. Petersburg too, the nationalists had little success. As per established tradition, the ultra-right did not attempt to organize their own rallies, but rather participated in joint city-wide marches. The participants included: a group of activists from Other Russia; a joint procession of RNF and NDP members; as well as members of the Slavic Strength – North-West and autonomous neo-Nazis, who marched under the slogan “For Slavic and White Unity”. In all, approximately 100 people took part in Russian May Day demonstrations in St. Petersburg in 2016 (also one third fewer than the year before).

Aside from Moscow and St. Petersburg, demonstrations took place in five other cities: Veliky Novgorod, Yekaterinburg, Nizhny Novgorod, Penza and Pskov. By comparison to the year before, the geographical spread remained small, while the number of participants continued to fall.

In fact, nationalists also ignored the Victims of Ethnic Crime Remembrance Day, which for many years they commemorated around 1 October.

It is also worth noting two further events which took place in the first half of 2016 and which seem to have become annual and something of a tradition.

The first is the Day of the Nation of Russia, which Other Russia proposed to celebrate on 5 April every year. Limonov suggested it as an alternative to the ultra-right nationalists' demonstrations on May Day and as an event to coincide with Alexander Nevsky's victory in the Battle on the Ice (a battle between the Novgorodians and a crusader army that took place on the frozen surface of Lake Peipus in 1242). In 2016, celebrations were held on this date in 16 cities: Moscow, St. Petersburg, Barnaul, Veliky Novgorod, Volgograd, Voronezh, Kazan, Kirov, Krasnoyarsk, Nizhny Novgorod, Orenburg, Rostov-on-Don, Sarov, Taganrog, Ulyanovsk and Donetsk. There were rallies in some cities, as well as pickets, open gatherings, lectures and round tables in others. In different cities different people came: there were members of the NDP, RNF, Nikolai Starikov's PVO, and other local organizations. Despite

<sup>29</sup> Because he had been arrested under Articles 20.3 and 20.1 of the Administrative Code on more than two occasions. For more information see: Dmitry Dyomushkin under administrative arrest yet again // SOVA Center. 2015. 11 September (<http://www.sova-center.ru/racism-xenophobia/news/countraaction/2015/09/d32782/>).

the geographical spread (large for a first-time event), the Day of the Nation of Russia can hardly be considered successful because of the low turnout, even in Moscow and St. Petersburg (only about 50 people in each case).

The second activity considered to be a new “traditional” event is the commemoration of those who died in the Trade Union House in Odessa on 2 May 2014. As we mentioned, last year, the NDP organized and led rallies in 7 cities across Russia, gathering some dozens of people. This year, it was K25 that organized the rally. It was a chance for the new organisation to make its presence known. In the end, Strelkov, Krylov, Zhivov, Ivan Okhlobystin and other persons of varying levels of prominence came to Moscow for the rally; it turned out to be quite successful and attracted around 250–300 people. However, the event was less successful in other cities: around 50 people gathered in St. Petersburg; 20 people in Ufa commemorated the day by laying flowers; four K25 members handed out leaflets in Krasnodar; and four people gathered for a picket in Voronezh – but that was organized by Great Russia under the leadership of Andrei Savelyev, not by K25.

As happens every year, the nationalists direct the bulk of their efforts towards preparing their main event, the Russian March. This time, the fight for the traditional Moscow procession in Lublino started in August when the competition intensified between the heirs of “The Russians”: Dyomushkin and his supporters on one side and Basmanov's KNS on the other. In August, the KNS published an updated list of the members of the Central Organizing Committee of the Russian March. Included were several leaders of the regional ultra-right movements who had been charged under Article 282 of the Criminal Code. Dyomushkin, however, was not on the list.<sup>30</sup>

Dyomushkin was quick off the mark, and as early as September, tried to organize a march. He applied to the city hall for permission and called on “all Russian nationalists to abandon mutual resentment and personal grievances for a common purpose” so as to get together for a joint event<sup>31</sup>. During September and October, both leaders actively promoted the Russian March; however, they practically ignored each other, posting links to different Russian March groups on VKontakte. It was hard to tell whether they were talking of the same event or two different ones. In

<sup>30</sup> According to KNS, the Central Committee of the Russian March includes: Igor Artyomov (RONS), Alexander Belov (ex-Russians), Vladimir Basmanov (KNS), Maxim Vakhromov (Russian National Union – Russian March – Ural), Stanislav Vorobyov (RID), Denis Tyukin (Vikhorev, Russian Centre, ex-DPNI Kirov), Vladislav Platinin (Frontier of the North), as well as the three nationalists admitted in 2016: Sergey Guzhev (Russian Vologda), Georgii Pavlov (“Gosha the Aryan”, The Pskov Russian Republic”), and Igor Stenin (Russians of Astrakhan).

<sup>31</sup> Russian nationalists are preparing the 12th Russian March // Artpolitinfo. 15th September 2016.

the end, a “backstage” decision was reached that it would be a joint procession, and that the “Dyomushkin Group” would be tasked with the filing of applications. Thus started a rather long saga of getting approval for the march. As a result, the process of getting approval for the event – thanks to the rejection of many applications, the detention of D. Dyomushkin, and the debates concerning potentially re-delegating the task of filing the applications to one of the liberals (such as Mikhail Kasyanov) – almost turned out to be more high-profile than the event itself.

Those who took part in the traditional procession on November 4 included: Dyomushkin’s associates, Maltsev’s supporters, KNS members, some Orthodox Gonfaloniers (*Pravoslavnye harugvenostsy*), activists of the Black NS Block (*Chernyi NS Blok*), the National Socialist Revolutionary Movement (Natsional-sotsialisticheskoe revoliutsionnoe dvizhenie, NSRD), the Black Sun (*Chernoie solntse*, effectively a division of the NS), the Free Russia (*Svobodnaia Rossia*), Istarkhov’s RPP, and a string of “non-aligned” ultra-right activists.

These are roughly the same people as a year ago, except for the absence of RONA and For Honor and Freedom (*Za chest’ i svobodu*). One can also point out some unusual newcomers to the procession, namely a representative of the Ombudsman of Ukraine in Russia, Vladimir Shreydler, a candidate for the State Duma from PARNAS for the Leningrad Region, Alexander Rastorguev, and the leader of the Walks of the Opposition (*Progulki oppozitsii*), Mark Galperin.

They used the traditional slogans, chants and banners, except for those that had been banned in advance or directly before the march. According to the ultra-right, the banners demanding the release of Alexander Belov, Dmitriy Dyomushkin, and generic “political prisoners” were the first to be disallowed. Then, during the inspection of the banners on entry to the march, the following were also seized: “Moscow trusts no guests” (*Moskva gostiam ne verit*), “To be Russian is to be a warrior” (*Byt’ russkim – znachit byt’ voinom*), “Down with the dictatorship!” (*Doloi diktaturu!*) and “Impeachment! Lustration! Desovietization!” (*Impichment! Liustratsiia! Desovetisatsiia!*).

The march finished in an unconventional way: towards the end, Yury Gorsky urged the participants to go to the Red Square and lay flowers at the monument of Minin and Pozharsky – within the framework of Walks of the Opposition. In the end, about 25 people wearing scarves with Russian imperial symbols, including Gorsky and Galperin themselves, made it to the monument.

The observers from the SOVA Centre estimate that about 800 people took part in the march; this is slightly more than a year ago (about 700 people). Despite the slight increase, the event cannot be called a success. It is worth recalling that, in 2014, when the march was considered a failure, about two thousand people gathered in Lublino. However, the organizers are not inclined to pessimism and see a great success in the very fact that it was at all possible to coordinate the

procession without losing the last year’s participants, despite the counteractive pressure from the authorities and the arrests of many ultra-right leaders.

A second event took place in Moscow on November 4, along the established route between the Oktyabrskoe Pole metro station and Shchukinskaya metro station. This was organized by the Russian National Front coalition. The procession passed under the slogan of “Russian March without the Liberasts, Kremlians, or Banderites” and was attended by activists from the following organizations: the Union of the Orthodox Gonfaloniers (*Soiuz Pravoslavnykh Khorugvenostsev*), Igor Sobolev’s Monarchist Party of Russia (*Monarkhicheskaia Partiiia Rossii*), the People’s Militia of Russia (*Narodnoe Opolchenie Rossii*, NOR), the Great Russia party (*Velikaia Rossia*), Vladimir Filin’s movement For the Nationalization and Deprivatization of Strategic Resources of the country (*Za Natsionalizatsiiu i Deprivatizatsiiu Strategicheskikh Resursov Strany*), Pavel Vasiliev’s Russian Imperial Movement (*Russkoe Imperskoe Dvizhenie*, RID), the Black Hundred (*Chernaia Sotnia*), and the Union of the Russian People (*Soiuz Russkogo Naroda*). During the march the ex-deputy of the LDPR (*Liberal-Demokraticeskaiia Partiiia Rossii*) Nikolai Kuryanovich, the head of the Institute of High Communitarianism (*Institut Vysokogo Kommunitarisma*), Kirill Myamlin, Elena Rokhlina (Fund for the Families of Volunteers – *Fond Pomoshchi Sem’iam Dobrovol’tsev*), Maksim Kalashnikov, Nadezhda Kvachkova (NOR) were also seen.

According to Savelyev, there were attempts to censor the banners and chants of the procession, but they failed. Apparently, one of the chants that the authorities didn’t like was “A Russian Government – for Russia!” which was shouted by the participants louder and in a more organized manner than the rest.

The procession was followed by the traditional rally. About 320-350 people took part in this action. That is approximately as many as a year ago when about 360 activists gathered in Oktyabrskoe Pole. Thus, this march failed to grow in attendance, which is hardly surprising given the rather low activity of the various movements-members of the RNF.

There was another event on November 4, the rally For Russian Solidarity, a gathering of Igor Strelkov’s supporters in Suvorov Square. The following movements participated: Novorossiia, NDP, and RGO. There were also Cossacks, one person with a NOD flag, and some people with imperial flags.

The rally was addressed by I. Strelkov, Anton Popov, Vladimir Tor, Alexander Sevastyanov, Mikhail Butrimov (My Backyard, *Moi Dvor*), Sergey Moiseev (the Triune Rus, *Rus’ triedinaia*, Kharkov;) and others. The rally was led by Zhivov.

This event was the least attended of all, it only gathered about 200 people, which is quite strange, considering the once high popularity of Igor Strelkov. Maybe, this was down to the fact that the information about the rally only appeared a few days before November 4 and was disseminated extremely sluggishly.

Thus, if one were to sum up the events in Moscow, one could say that attendance was almost the same as last year – there is some increase in the number of activists, but it is really quite small. Yet, in the regions, the nationalists' situation was clearly worse than last year: in 2015, the Russian March took place in 23 cities other than Moscow; in 2016, just 11. Moreover, in some cases the nationalists couldn't find anyone who would be willing to apply for permission.

In St. Petersburg, same as last year, the march failed to take place. The nationalists' collective application for a procession in the centre of the city was not approved, and the proposed alternative – the route through Polyustrovsky Park – did not suit the ultra-right activists themselves. In the end, pickets in St. Petersburg took place on Nevsky Prospect on November 4. They drew several activists with placards and “imperial” flags (black-yellow-white) and included a charity concert organized by RID and its militant wing, the Imperial Legion club (*Imperskii Legion*) and the Veterans of Novorossiia (*Veterany Novorossii*). The funds raised were intended for the “treatment for the fighters”.

Beside Moscow, the only city where the nationalists managed even a slightly higher attendance for their events on November 4 was Novosibirsk. Two marches took place there: one by the supporters of “Novorossiia”, who gathered about 150 people, and one by its opponents, whose procession counted about 100 activists. A year ago, the only action that took place here was the one in support of LNR and DNR (the breakaway republics in the Luhansk and Donetsk regions of Ukraine), which was attended by about 120 people. Despite a clear increase, the attendance of the march as a whole is still far from what one saw in 2014 when the procession in support of “Novorossiia” alone gathered about 400 people.

## Elections

The parliamentary elections on September 18, 2016, unexpectedly turned out to be a most important event for the nationalists. In many ways, it shaped the direction and nature of their public activity for almost the entire year.

As already noted in the previous sections, the starting point here was the primaries of the Democratic Coalition, unexpectedly won by the Saratov blogger Maltsev who was subsequently included in the federal list of the PARNAS party.

The candidate ran a relatively high-profile election campaign, which included all the necessary attributes: meetings with voters, rallies, “information cubes” (a type of street-level poster display popular with Russian political campaigners), and participation in televised debates on mainstream channels. The Moscow headquarters of the candidate were managed by Beletsky. The head of the election campaign was Dyomushkin. The latter appeared several times on the Bad News

programme and, on one occasion, even managed to take part in a debate on the Russia-1 television channel.

In addition to those who immediately participated in Maltsev's election campaign, several of the ultra-right groups that share the Saratov blogger's views on the “Ukrainian question” (e.g. RONA) also promoted him and the PARNAS party.

Particularly diligent in this respect was the Nation and Freedom Committee, which not only published appeals to support the only nationalist with a chance to get to the State Duma but also consistently tried to convert those who had decided to boycott the elections and called on all willing to help with the campaign.

A video in support of PARNAS was also released by Istarkhov. He too urged his supporters to vote for PARNAS and Maltsev. Istarkhov was openly positive about the alliance between the “old liberals” and the nationalists, referring to it as the consolidation of the “healthy forces” bound together by a desire for Putin's departure<sup>32</sup>. Maltsev was also supported by the former head the State Press Committee of the Russian Federation and author of several banned anti-Semitic books, Boris Mironov, who even spoke at one of the PARNAS election campaign rallies<sup>33</sup>.

It's worth mentioning that, while the KNS and some individual activists were promoting PARNAS and Maltsev ever more actively as the elections drew nearer, Dyomushkin, on the contrary, withdrew from the campaign several weeks before the elections. Commenting on this decision, he said that he had done his best and was not in a position to exert further influence on the course of the campaign. Dyomushkin also noted that he did not always agree with the way Maltsev conducted himself on TV, mentioning in passing that PARNAS have ignored his recommendations and even Maltsev himself, being a nationalist, was constantly forced to seek compromises with this liberal party<sup>34</sup>.

Beside Maltsev and his associates naturally becoming the object of furious criticism by the supporters of the current political regime (the Saratov blogger was mainly accused of preparing a Russian “Maidan”), he was far from universally supported by the ultra-right.

For example, Igor Mogilev (a nationalist, the organizer of Russian Marches in Volgograd, tried under Articles 282 and 280 of the Criminal Code) recorded a video, where he called Maltsev a provocateur who could get away with insulting

<sup>32</sup> Vladimir Istarkhov on Parnas and the elections – 18 September 2016 // Youtube.com. 30 August 2016.

<sup>33</sup> Boris Mironov urges you to support PARNAS and Maltsev in the elections // Natsional'naia sluzhba novostei. 9 September 2016.

<sup>34</sup> Russian nationalists start work on creating nationalist movement and party! Hysterics before the elections // Youtube.com. 2016. 20 September (<https://www.youtube.com/watch?v=OXga4SJ3H4o>).

the current authorities and the head of state, while ordinary nationalists were “banged up for re-posts” on social media<sup>35</sup>. The video also condemned “friendship with the liberals” who, according to Mogilev, are “enemies” of the nationalists.

A sentiment similar to Mogilev’s was also expressed by Strelkov, who after watching Maltsev’s broadcasts and speeches on TV said: “*Kungurov, as far as I can see (...) has been banged up for less. Yet here we have absolutely no reaction from the authorities. Moreover, the man has already wormed his way onto the federal TV channels. So he’s got back-up – he’s got certain “guarantees” that allow him to say things like “a tsar like that should be up on a stake” [executed by impaling] and to set dates for the revolution*”<sup>36</sup>.

Maltsev was also criticized by the leaders of the RNF’s member-organizations. For example, Savelyev stated that, in his opinion, Maltsev is a puppet, necessary to the authorities in order to scare people with “Nazis” and “Maidan”, and to discredit the “Russian movement”<sup>37</sup>. Krylov, in essence, agreed with Savelyev: he proposed that Maltsev was a victim of manipulation by the authorities<sup>38</sup>.

Other PARNAS candidates, beside Maltsev, also got some support from members of the ultra-right.

For example, Romanov-Russky headed the electoral headquarters of Sergey Erokhov (*Demvybor*), nominated in Moscow for the 203<sup>rd</sup> single-member district. Like other Duma candidates who were supported by the nationalists, Erokhov advocated the introduction of a visa regime for the Central-Asian countries, the abolition of Article 282 of the Criminal Code, and was prepared to cooperate with the nationalists.

The KNS quite actively promoted its activist Vladimir Avdonin, nominated in Samara for the 160<sup>th</sup> district. In the past, Avdonin was the leader of the Samara branch of Great Russia and the national-conservative movement *Volzhane*; after a period away from activism, he joined the KNS. Avdonin was also supported by RONA.

The leader of the movement Honour and Freedom, Samokhin, ran for the 157<sup>th</sup> Skopinskiy electoral district (Ryazan Region), also as a PARNAS candidate. The campaign was quite active in the beginning but soon almost petered out, probably because of the movement’s inadequate resources, both financial and human.

On the whole, for this group of nationalist, the main slogan of the pre-election race was “Against Putin means for PARNAS”.

<sup>35</sup> Igor Mogilev AGAINST Vyacheslav Maltsev // VKontakte. 12 September 2016.

<sup>36</sup> Igor Strelkov: we need to create our own country // The official site of the “Novorossiya” Movement. 23 September 2016.

<sup>37</sup> The Russian News / Current: the occupying regime holds elections among traitors // Youtube.com. 6 September 2016.

<sup>38</sup> So about the elections... // K. Krylov’s Internet-diary. 14 September 2016.

Those among the ultra-right who consider themselves supporters of the “Russian Spring” and, at the same time, are against the current political regime mostly ignored this election campaign (not counting some isolated criticisms from Maltsev). The exception was the RNF, which at least called for a boycott of the elections as illegitimate.

Near-nationalist organizations from among those more or less loyal to the current regime also joined the electoral process.

What proved quite interesting was the campaign conducted by the head of the National-Conservative Movement Valentina Bobrova, who ran for the Duma as the Green Party candidate for the 89<sup>th</sup> constituency (Voronezh). A particular “edge” was lent to the situation by the fact that her main opponent was the leader of Motherland, Alexey Zhuravlev (for whom the ruling party had “set aside” the district). Although the two candidates are, in theory, ideologically close, the pair of them became embroiled in a proper row, with an exchange of public accusations and scurrilous articles.

Having now mentioned the Motherland party, we must note that, among its single-mandate candidates, there were two Spartak football team fans: Alexey Avdokhin and Alexey Usachev. Both ran in the Vladimir Region. The party actively promoted Usachev as a participant of a brawl with migrants from the Caucasus region that took place near the Evropeysky (“European”) shopping centre in Moscow in 2012. It seems, the hope was to attract not so much football fans as ordinary xenophobes.

Nikolay Starikov’s Great Fatherland Party (PVO) was unable to participate in the elections. It failed to register its federal list of candidates, and the single-mandate candidates could not register either. Subsequent to that, the PVO supported Motherland. In addition to that, the PVO also published a list of single-mandate candidates it supported<sup>39</sup>. Although the list included candidates from United Russia (*Edinaia Rossiia*, the governing party), one cannot say

<sup>39</sup> Alexey Balyberdin, who ran in the Nizhny Tagil single-mandate constituency No.171, representing United Russia (co-chairman of the Anti-Maidan movement); Dmitry Sablin, the United Russia candidate in the Novomoskovsk single-mandate constituency No.202 (co-chairman of the Anti-Maidan movement); Leonid Ogul, the United Russia candidate in the Astrakhan single-mandate constituency No.74 (the ONF candidate who put PVO’s bills before the State Duma); Vladimir Bortko, the KPRF (Communist Party) candidate in the Central single-mandate constituency No.216; Sergey Shargunov, the KPRF candidate in the Korinskiy single-mandate constituency No.191 (supporter of the Anti-Maidan movement); Anatoliy Wasserman, the Fair Russia (*Spravedlivaia Rossiia*) candidate in the Preobrazhensky single-mandate constituency No.205; Yaroslav Nilov, the LDPR (Liberal Democrat) candidate in the Kuntsevo single-mandate constituency.

that the PVO supported the ruling party unequivocally. When an activist from the PVO's Moscow branch, Nina Lvova, recorded and distributed a video clip, calling on the members of the organisation to support "Putin's party", she was threatened with expulsion. It is noteworthy that Lvova is also a member of the NOD and, probably, made the video with the NOD position in mind. (NOD supported "United Russia".)

The NOD not only promoted "Putin's party" but also supported candidates of its own who entered on various federal candidate lists: the leader of the organization, Yevgeniy Fedorov (United Russia), Maria Katasonova (Motherland), Roman Zykov (Patriots of Russia).

Despite a rather active election campaign in all sectors of the nationalist movement, in the end, there was almost nothing to boast about. The only single-mandate candidates that got into the Duma were the leaders of unambiguously pro-government movements: A. Zhuravlev (Motherland), Dmitry Sablin (Anti-Maidan and Combat Brotherhood), Alexey Balyberdin (Anti-Maidan), and Vitaly Milonov (United Russia). From the party's federal candidate list, only Fedorov, head of the NOD, managed to get into the lower house of the Federal Assembly.

Here are the results for the candidates listed above:

- S. Erokhov (Demvybor): 7<sup>th</sup> out of 11 in the district. Nominated by PARNAS.
- A. Avdonin (KNS): 7<sup>th</sup> out of 12 in the district. Nominated by PARNAS.
- A. Samokhin (Honor and Freedom): 8<sup>th</sup> out of 10 in the district. Nominated by PARNAS.
- V. Bobrova (NKD): 5<sup>th</sup> out of 10 in the district. Nominated by the Green Party.
- A. Avdokhin: 9<sup>th</sup> out of 10 in the district. Nominated by Motherland.
- A. Usachev: 7<sup>th</sup> out of 9 in the district. Nominated by Motherland.
- M. Katasonova (NOD): 8<sup>th</sup> out of 13 in the district. Nominated by Motherland.
- R. Zykov (NOD): 9<sup>th</sup> out of 9 in the district. Nominated by the Patriots of Russia party.

Naturally, given the strong start and the weak finish, the election left the majority of the nationalists dissatisfied. Most of them just poured their indignation into posts on the Internet. The half-hearted attempts to hold an action "For Fair Elections" came to nothing. The discontent remained passive, which makes the current situation fundamentally different from that of 2011.

## Raids and Training Sessions

The raiding activity of the ultra-right was relatively low in 2016. Like other types of activity, raids suffered significantly in 2014 and 2015 due to the proactive work of the law-enforcement agencies, which resulted in criminal cases being brought against the leaders of many raiding groups (Nikolay Bondarik, Dmitry Bobrov, Alexey Kolegov, Maksim Martsinkevich and others). Some have ended up behind the bars.

Probably the only action that really attracted attention was Datsik's shocking "anti-brothel" raid which finished with naked employees of an erotic salon being forced to march to the police station and the subsequent arrest of Datsik himself.

The only more or less consistently popular raids are those with an anti-alcohol agenda, primarily those carried out by such politically inactive movements as the Sober Backyards (*Trezvye dvory*) and The Lion Objects (*Lev protiv*). Of course, this does not mean that anti-migrant raids do not happen at all, but they are no longer a mass phenomenon.

Last year, the nationalists clearly preferred less public forms of activity to raiding projects.

The numerous military training courses and the societies that organise various types of combat training (knife and hand-to-hand combat courses), which became popular when the conflict in Ukraine took a turn for the worse, are still functioning, but they are definitely attracting less attention. It appears, the sharp increase in demand for such courses in response to general militarization has been saturated, and presently the nationalist social media pages are no longer overflowing with the advertising for the old and the new initiatives of this kind.

Still popular are sports-cum-entertainment events, such as various "festivities", "wild swims", "runs", and competitions of all kinds.

Perhaps, it is worth mentioning the growth in attractiveness of club-like activities: lectures, debates, and discussions. This format is especially (though not exclusively) popular with the supporters of the "Russian Spring".

## Counteraction to Xenophobia and Radical Nationalism

### Criminal Prosecution

#### For violence

In 2016, the number of convictions for violent hate crimes decreased compared to the previous year. In 2016, there were at least 19 convictions in 15 regions of Russia, where the courts recognized a hate motive (compared to 25

convictions in 19 regions in 2015). As a result of these court cases, 44 people were found guilty (vs. 61 people in 2015).

Racist violence, defined by its motive of hatred, is dealt with in the following articles of the Criminal Code: Article 105, Part. k (“Murder committed by reason of hatred”), Article 112, Part. 2.f (“Intentional infliction of injury of average gravity by reason of hatred”), Article 115, Part. 2.b (“Intentional infliction of light injury by reason of hatred”), Article 213, Part. 2 (“Hooliganism by reason of hatred”); Article 116, Part 2.b (“Battery by reason of hatred”), Article 111, Part. 2.f (“Intentional Infliction of a grave injury by reason of hatred”). This is the “typical selection” of the past three years.

Article 282 of the Criminal Code (“Incitement of hatred”) figured in 7 convictions for violent crimes (almost the same as last year). In all instances, this article was used in conjunction with other articles in large multiple-defendant trials or trials of members of ultra-right factions, such as the members of the neo-Nazi gang 14/88 from Moscow or the RNE supporter in Omsk. In four cases, the incitement of hatred was invoked in connection with the calls for violence on the Internet that accompanied actual violence. In three cases, there were calls for xenophobic violence made during an attack in a public place. As we have pointed out on several occasions, Ruling No 11 of the Plenary session of the Supreme Court of the Russian Federation of 28 June 2011 (“On Judicial Practice in Criminal Cases Involving Crimes of Extremism”)<sup>40</sup> specifies that it is appropriate to apply Article 282 of the Criminal Code to violent crimes, if there is intent to incite third parties to hatred – for example, if the public and ideologically motivated attack is demonstrative in nature. In such cases, Article 282 should be used in combination with another appropriate article of the Criminal Code (“Murder”, “Battery”, etc.). Which was exactly the scenario the aforementioned “guilty” verdict pertained to.

The distributions of sentences in violent crime cases was as follows:

- 1 person was sentenced to 18 years imprisonment;
- 2 people were sentenced to up to 15 years imprisonment;
- 7 people were sentenced to up to 10 years imprisonment;
- 14 people were sentenced to up to 5 years imprisonment;
- 9 people were sentenced to up to 3 years imprisonment;
- 3 people were sentenced to up to 1 year imprisonment;
- 4 people were given suspended sentences;

<sup>40</sup> For more information see: V. Alperovich, A. Verkhovsky, N. Yudina. Between Manezhnaya and Bolotnaya: Xenophobia, Radical Nationalism and Efforts to Counteract Them in Russia in 2011 // SOVA Center. 2012. 5 April (<http://www.sova-center.ru/en/xenophobia/reports-analyses/2012/04/d24088/>).

- 3 people were sentenced to a fine
- 1 person was released from punishment due to reconciliation with the victim.

Two people were additionally compelled to pay compensation for non-pecuniary damages. One of them was the neo-Nazi Andrey Malyugin, who received 18 years in prison for two hate-motivated murders. The court awarded compensation for non-pecuniary damages to the families of the victims: 1 million roubles to each family. We think it is quite right that offenders should pay such compensation. Among other things, the money compensates, at least in part, for the loss of income associated with an earning family member. In all cases, we also agree with the compensation being awarded for material damages, as well as the bearing by the attacker of any medical costs incurred by the victim. Unfortunately, we are not aware of any verdicts from 2016 where this was put into practice.

9% of those convicted (4 out of 44) received suspended sentences; this share is lower than a year earlier (44%). Three out of those who received suspended sentences were defendants in large group trials (some were minors). They include members of the afore-mentioned neo-Nazi group 14/88. Apparently, participation in the attacks could not be proved, or, perhaps, a deal had been made with the prosecution. The fourth case is that of a 17 year old teenager, who subjected to battery a 15 year old member of the “emo” subculture in Vladimir.

In general, the reduction in the number of suspended sentences for violent crimes is a positive trend. Our opinion, formed after many years of monitoring this sector, is that suspended sentences for violent racist attacks, in the overwhelming majority of cases, tend to engender a sense of impunity and do not stop ideologically motivated offenders from committing such acts in the future. For example, the afore-mentioned member of the Borovikov-Voevodin group, Malyugin, was acquitted by a jury on 14 June 2011 (the case involved the entire gang). Soon after his release in August 2011, he was detained again because he almost immediately went on to commit two more murders. He was armed and resisted arrest<sup>41</sup>.

Yet such releases were few in number. As the data above suggests, the majority of those convicted of violent offences were still sentenced to various amounts of time in prison. Those who received prison sentences in 2016 included members of notable radical-right groups such as 14/88 and Restrukt! (from Moscow), and the RNE (from Omsk).

<sup>41</sup> For more information see: Nationalist Malyugin gets 18 years of strict-regime colony // ZakS.Ru. 2016. 17 March (<https://www.zaks.ru/new/archive/view/151187>).

### For Vandalism

In 2016, there were fewer convictions for ethno-religious and neo-Nazi motivated vandalism than a year earlier; the number of sentences proved to be the same as in 2014. We are aware of 5 sentencing decisions across 5 regions and 6 individual convicted offenders in 2016 (vs. 8 sentencing decisions, 7 regions and 14 offenders in 2015; 4 sentencing decisions, 4 regions and 6 offenders in 2014).

All four cases involved charges under Article 214 of the Criminal Code (“Vandalism by reason of religious hatred”). And only in one case, the case of adolescents from Vologda who defiled a mosque on Hitler’s birthday was Article 282 of the Criminal Code invoked alongside Article 214.

The two defilers of the mosque in Vologda were sentenced to corrective labour. Two more offenders were sentenced to restriction of liberty. These two were the vandal who cut down a wayside cross in Vyatskiye Polyany, Kirov Region, and the resident of Vladimir who painted the emblem of the Azov Battalion (and wrote slogans on a bridge across a river. Two more people were sent for compulsory medical treatment: the resident of Chelyabinsk Region who painted a swastika and symbols of the Azov Battalion on the monument to the Liberator Soldiers and a member of the Right Tatars society (*Pravye Tatory*) from Kazan, Emil Kamalov, who is accused of desecrating the church of the Saviour Not Made by Hands and other acts of ideologically driven vandalism.

We do not wish to make judgements concerning the accuracy of the forensic and medical examinations conducted or draw conclusions about mental state of the offenders. But we consider correctional labour and restriction of freedom quite adequate as punishment for the acts committed.

Yet it still seems debatable to us, which objects can be considered “vandalizable” and what methods “count”. For example can graffiti on the bridge truly be regarded as an act of vandalism? Thanks to the dual nature of such offences, certain similar crimes (desecration of buildings, houses, fences, etc.) have for many years been, in practice, tried not under Article 214 but under Article 282 of the Criminal Code (see next section).

### For Public Statements

The number of convictions for “speech of an extremist nature” (incitement to hatred, calls to extremist or terrorist activities, etc) remains higher than the total number of all other extremism-related convictions. In 2016, no fewer than 181 such sentences were passed upon 198 people in 64 regions of the country. One may cautiously suggest, that the number of convictions was still down on the year: in 2015, there were at least 204 such convictions, and 213 people were found guilty (plus one more person released due to remorseful actions) in 60

regions of the country. We are not counting the convictions that we consider unlawful, which are relatively few in number<sup>42</sup>.

Interestingly, there were fewer public speech convictions in the second half of 2016, and their number dropped in the second half of the year compared to the first. (Also, notably fewer people were imprisoned for speech of an extremist nature.<sup>43</sup>) It is hard to tell what caused this drop in the activity of the law-enforcement agencies. The head of the international human rights organization “Agora” Pavel Chikov also notes that there has been a reduction in the number of politically motivated criminal cases. However, he points out that “one should not talk of an improvement, so much as of a slowing down of deterioration”. He attributes this slowing down to the forthcoming presidential elections.<sup>44</sup> While we do not wish to make any judgements of a political nature, it is important to note that this is the first time since 2011 that we have recorded a year-on-year fall in convictions for public speech offences. (Before 2011, there was also an overall upward trend, albeit with some year-on-year exceptions.)

It is possible that this slight drop does not reflect a real downward trend in such convictions but is rather an artefact of our incomplete data set. Unfortunately, the Judicial Department of the Supreme Court has not yet released detailed statistics concerning the number of convictions under various articles of the Criminal Code in 2016. However, there is summary data<sup>45</sup> for combined convictions under Articles 280, 280<sup>1</sup> (“Public appeals for the performance of activity directed at breaching the territorial integrity of the Russian Federation”), 282, 282<sup>1</sup>, 282<sup>2</sup> and 282<sup>3</sup> (“Financing of extremist activity”) of the Criminal Code. Their number has grown compared to 2015: from 544 to 661

<sup>42</sup> See: Maria Kravchenko. Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2016 // SOVA Center. 2017. 21 April (<http://www.sova-center.ru/en/misuse/reports-analyses/2017/04/d36857/>).

<sup>43</sup> See: Who is in prison for “extremist crimes” that are not of a general criminal character. February 2017 // SOVA Center. 2017. 20 February (<http://www.sova-center.ru/racism-xenophobia/publications/2017/02/d36413/>).

<sup>44</sup> Pavel Chikov. The controlled thaw: What the repeat hearing of Dadin’s and Chudnovets’s case tells us // RBK. 6 March (<http://www.rbc.ru/opinions/politics/06/03/2017/58bd186f9a7947c43c5ec254>).

<sup>45</sup> The main operation and statistical indicators of general-jurisdiction courts in 2016 // The official site of the Russian Federation’s Supreme Court Justice Department. 2017 (February) ([cdep.ru/userimages/sudebnaya\\_statistika/2017/Osnovnye\\_oper\\_pokazateli\\_2016.xlsx](http://cdep.ru/userimages/sudebnaya_statistika/2017/Osnovnye_oper_pokazateli_2016.xlsx)).



people.<sup>46</sup> Yet it is impossible to tell whether this growth is down to the convictions for public speech offences (Articles 280, 280<sup>1</sup>, 282 of the Criminal Code) or for participation in certain organizations and communities (Articles 282<sup>1</sup>, 282<sup>2</sup>).

All the same, it may be asserted that the conviction rate for speech of an extremist nature has decreased or, at least, not risen noticeably. This is, in itself, a contrast to the sharp increase in 2015 (up to 213, compared to the 159 in 2014). Taking into account that the investigations in such cases usually last from six months to a year (and sometimes, of course, much longer), we can say that the slow-down in the launch of new criminal cases began back in the second half of 2015 and was clearly discernible by the first half of year 2016. It is likely that this is connected to the gradual relaxation of the general state of high alert triggered by the war in Ukraine and to the fact that the goals concerning the suppression of the ultra-right have largely been reached. One may also hope that the rising public outcry precipitated by the scale and nature of such recourse to the criminal law has also played its role.

The majority of convictions (157 convictions, 173 offenders) were under Article 282 of the Criminal Code. In 115 of the cases, this was the only article used in sentencing. In 22 convictions (of 22 offenders), only Article 280 of the Criminal Code was used (“Public Appeals for the Performance of Extremist Activity”). In 16 cases, it was used in conjunction with Article 282 of the Criminal Code.

In one case, the frequently used Article 280 was combined with Article 280<sup>1</sup> of the Criminal Code (“Public appeals for the performance of activity directed towards breaching the territorial integrity of the Russian Federation”). We are

<sup>46</sup> This is approximately two and a half times as many as we are aware of. According to the SOVA Center, if one takes wrongful convictions into account, 261 persons were convicted under Articles 280, 280<sup>1</sup>, 282, 282<sup>1</sup>, 282<sup>2</sup>. The difference in the statistics can be partly explained by the fact that we do not take the data for the North Caucasus into account. Besides, the prosecutor’s offices do not always consider it necessary to report routine convictions. For example, we know that 817 criminal cases were initiated in 2016, but many have not yet reached the sentencing stage.

The data on “terrorist articles”, as shown on the Supreme Court website, is also summary in nature: 182 people have been convicted under Article 205<sup>1</sup> (“Facilitating terrorist activity”), 205<sup>2</sup>, 205<sup>3</sup> (“Undergoing training for the purpose of carrying out terrorist activities”), 205<sup>4</sup> (“Organizing a terrorist community and participation therein”), 205<sup>5</sup> (“Organizing the activities of a terrorist organization and participation in the activities of the organization”), and 206 (“Hostage-taking”). The data are not for all “terrorist articles” other than 205<sup>2</sup>; consequently, no direct comparisons with our data should be made.

talking about the second sentencing of Andrey Bubeyev in Tver, which received considerable popular attention<sup>47</sup>.

In one other case, Article 354<sup>1</sup> Part 1 of the Criminal Code was called on (“Denial of facts established by the verdict of the International Military Tribunal for the trial and punishment of the major war criminals of the European Axis countries, approval of the offenses established by the said judgment, as well as dissemination of false information about the activities of the Soviet Union during the Second World War”). In three cases, it was used in conjunction with Article 282 of the Criminal Code; in one other case, with Articles 282 and 280. So far, the new article seems to have little impact on the severity of the punishment.

Articles 282 and 280 of the Criminal Code may also have accompanied accusations under other articles, including those pertaining to acts of violence and vandalism (see sections Criminal Prosecution: for violence and Criminal Prosecution: for vandalism).

In 10 sentencing decisions, Article 205<sup>2</sup> of the Criminal Code was called on (“Public Calls for Committing of Terrorist Activity”). In 2 case, Article 205<sup>2</sup> was used on its own; in another 6, in conjunction with Article 282 of the Criminal Code; in 2 more, in conjunctions with Article 280. As usual, in the majority of the cases (8 in total), this article was invoked in connection with radical Islamist statements, including statements pertaining to the war in Syria. Also, same as in the previous year, there was one case where it was invoked in connection with anti-Russian statements connected to the events in Ukraine. The case involved a supporter of the Right Sector<sup>48</sup>.

Some sentencing decisions warrant special consideration. Firstly, there is the sentence issued in the case of the *de facto* leader of “The Russians” and formerly the leader of the Movement against Illegal Immigration (*Dvizhenie protiv nelegal'noi immigratsii*, DPNI), Alexander Belov (Potkin). Belov was found guilty under Articles 282, 280 and 282<sup>1</sup> of the Criminal Code, and Article 174 (“The Legalisation (Laundering) of Funds and Other Property Acquired by Other Persons Illegally”). He was sentenced to a total of 7.5 years in a general-regime colony. Political activists and human right activists reacted rather equivocally to Belov’s case. In July 2015, the Union of Solidarity with Political Prisoners (*Soiuz solidarnosti s politzakiuchennymi*, SSP) recognised Belov as a political prisoner. At the same time, Belov was absent from the political prisoner list of the “Memorial” Human Rights Center. The SOVA Center does not maintain any kind of a register

<sup>47</sup> For more information see: V. Alperovich, N. Yudina. Evolution and devolution ...

<sup>48</sup> For more information see: “Right Sector” supporter in Tolyatti sentenced for materials uploaded on VKontakte // SOVA Center. 14 June (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/06/d34789/>).

of political prisoners; however, we do not believe that Belov may be considered a political prisoner for the reasons cited by the SSP<sup>49</sup>. Yet, it seems fair to say that, for crimes of a non-violent nature, such a sentence is excessive. However, it seems that the bulk of Belov's prison term is not for xenophobic actions but for financial machinations<sup>50</sup>, a class of crimes typically punished by long sentences.

Another case that warrants attention is the sentencing of the schoolboy Kirill Benetsky by Moscow District Military Court under Articles 280 and 208 of the Criminal Code ("Aiding and abetting participation in an armed formation"). The schoolboy, still a minor, made 3 social media posts containing calls for extremist action. On reaching majority, he travelled to Ukraine and joined the Right Sector. According to the investigators, Benetsky received general physical training, training in sabotage, and ideological training, after which he joined the ranks of an illegal armed formation<sup>51</sup>. Fearing for his life, he fled the Right Sector in April 2016 and was detained by the law enforcement agencies in Bryansk Region on 1 May. Benetsky was sentenced to 6.5 years in a strict-regime colony. This was later commuted to 6 years and 4 months.

Another "aiding and abetting" sentence under Article 208 of the Criminal Code (unaccompanied by any addition extremism-related charges) was imposed on the former member of NS/WP Nevograd, Kirill "Vegan" Prisiazhniuk. In December 2016 a court in Chechnya sentenced the former neo-Nazi to 4 years in prison. Earlier, in June 2014, he was sentenced to 3 years imprisonment under Article 33; Article 105, Part 2, clauses .a, g and k; Article 282, Part 2, clauses 1 and c; and Article 213, Part 2 of the Criminal Code<sup>52</sup>. He had been recruited by the Islamic State in the Kresty Prison, St. Petersburg. According to a cellmate who is the former leader of a neo-Nazi organisation, Anton K., "He listened to the music by Timur Mutsuraev, was inspired by the fighters, and so on... He tattooed a Jihadi banner on his leg..."<sup>53</sup>. When Prisiazhniuk left prison, he

<sup>49</sup> For more information see: Is Alexander Belov a political prisoner? // SOVA Center. 13 July 2015 (<http://www.sova-center.ru/racism-xenophobia/publications/2015/07/d32405/>); V. Gefer. Being recognized as a political prisoner is not automatically praised // SOVA Center. 21 July 2015 (<http://www.sova-center.ru/racism-xenophobia/publications/2015/07/d32467/>); A. Verkhovsky. Incitement to hatred and political prisoner status // SOVA Center. 28 July 2015 (<http://www.sova-center.ru/racism-xenophobia/publications/2015/07/d32511/>).

<sup>50</sup> For more information see: Alexander Belov sentenced to 7.5 years in a general-regime colony // SOVA Center. 24 August 2016 (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/08/d35264/>).

<sup>51</sup> Supreme Court lowers sentence for the Moscow schoolboy who joined the Right Sector // RAPS. 22 December ([http://www.rapsinews.ru/judicial\\_news/20161222/277423491.html](http://www.rapsinews.ru/judicial_news/20161222/277423491.html)).

<sup>52</sup> For more information see: V. Alperovich, N. Yudina. Calm Before the Storm?..

<sup>53</sup> Gleb Trifonov. Prominent Russian nationalist becomes ISIS recruiter // Life. 2016. 23 December (<https://life.ru/t/%D0%BD%D0%BE%D0%B2%D0%BE%D1%81%D1%82%>

travelled to the Caucasus, where he married a Muslim woman and became a recruiter for the Islamic State. In particular, he helped one Larisa Abubakarova to travel to Syria. He later tried to travel to Syria himself, but was apprehended at the border on 3 December 2015<sup>54</sup>.

The distribution of sentences was as follows:

- 39 people received custodial sentences;
- 82 people received suspended sentences with no additional punishment;
- 20 people were fined various amounts;
- 12 people were sentenced to correctional labor;
- 37 people were sentenced to mandatory labor;
- 2 people received suspended correctional labor sentences;
- 2 people were sentenced to educational intervention;
- 2 people were sent for compulsory treatment;
- 2 people were released due to statute of limitations.

The majority of the 39 people who had received custodial sentences were convicted on multiple charges. Thus, in conjunction with public speech offences, they would also have been charged under articles pertaining to violence, vandalism, theft, or drug possession and sentenced accordingly. The prison terms may also have reflected earlier suspended sentences. Or, alternatively, the offender may already have been in prison and had his term increased.

Three people were convicted of repeat offences involving "speech of an extremist nature", which substantially lengthens the prison term. Two had earlier convictions but had not yet started the prison terms they had been sentenced to. Among those to receive repeat convictions was the afore-mentioned Andrey Bubeyev as well as a 30-year-old singer from Kostroma, convicted under Article 280 for the performance of a song that incited to violence.

Heavier sentences were imposed under Article 205<sup>2</sup> of the Criminal Code. These were all issued in return for incitement of a radical Islamist nature: the publication of video clips or texts on the Internet, calling for a "holy war" or prompting the reader/viewer to join the ranks of the jihadists. Five people from Syktyvkar, Primorsky Region, Sochi, Ust-Labinsk and Moscow were convicted in a joint case under Article 205<sup>2</sup>, Part 1 and Article 282, Part 1. Their sentences ranged from 10 months to 4.5 years in prison.

[D0%B8/951036/izviestnyi\\_russkii\\_nieonatsist\\_stal\\_vierbovshchikom\\_ighil](http://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/12/d36079/).

<sup>54</sup> For more details see: Former NS/WP member sentenced for recruiting for ISIS // SOVA Center. 2016. 23 December (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/12/d36079/>).

Five more people were convicted or sentenced without a jihadist context (or where such context is unknown to us). These sentences were imposed for the publication of the xenophobic audio and video clips ‘*The Execution of A Tajik and a Dagestani*’ and ‘*Argentine – Sex, Fight*’ and some unnamed materials containing calls to violence in the Volgograd and Vladimir Regions, Mari El Republic, and Altai Region. All materials were published on the VKontakte social network. To us, the sentences seem unreasonably harsh. Still, by comparison to 2015, the situation has improved markedly. Let us recall that in 2015 we counted 16 “for-words-only” convictions under articles pertaining to extremist activity (and, for various reasons, this number did not include convictions under Article 205<sup>2</sup> of the Criminal Code). We are aware of two such “dubious” sentences in 2014. In 2013, there was just the one.

The share of suspended sentences, by comparison with the previous year, has risen to 41% (82 out of 198 offenders), 7% more than the year before (34%). We consider this type of sentence far from the most effective way to punish speech offences. Naturally, a suspended sentence may also turn into a significant punishment, as it has the capability to damage a reputation and affect one’s career prospects; moreover, in case of a repeat run-in with the law, an earlier suspended sentence makes the final sentence more severe. Yet the offenders (as a rule, young men) are generally, not as yet too concerned with such things. What we see as far more adequate punishment is corrective, compulsory or educational work, or fines. We see it as appropriate that more of those convicted (73 people) were sentenced to punishments of this kind, which do not involve imprisonment. It is unfortunate that the proportion of such sentences has fallen by comparison to 2015.

At least two sentences last year involved a ban on practicing a profession. These concerned a school teacher and an unarmed combat coach in a children’s club. We consider these sentencing decisions justified, given that one is talking of racist statements made in the presence of minors, among whom may be children with various ethnic backgrounds. Such statements may provoke bullying or, in the case of a martial arts club, actual physical attacks.

In no fewer than ten cases, the offenders were banned from speaking in mass media, on the Internet, and during mass-participation public events. Aside from this, we know of five more cases where the sentence involved a ban on Internet use for a given period of time. We see such a measure as, to say the least, strange. Firstly, the Internet may be necessary for work and everyday life. Secondly, it is far from clear how such a ban could be practically enforced.

Progressively more often we hear about confiscation of the “instruments of crime”, i.e. laptops, tablets, smart phones, etc. – devices used by the offenders to upload the “heretical” materials. These devices often cost far more than the

total sum of all the fines imposed by the court. This measure we see as clearly excessive.

Same as every year, the majority of convictions – 167 out of 198, or 84% (about the same as in 2014–2015) – relate to materials uploaded onto the Internet.

Such materials were found in:

- social media – 152 cases (of which 102 on VKontakte and 50 on other, unspecified social media – possibly also VKontakte);
- internet forums – 1;
- internet-based mass media – 1;
- unspecified location on the Internet – 13.

This dynamic has remained unchanged these past five years<sup>55</sup>. Extremists are still most often found on VKontakte, the social media network most popular with Russia’s youth.

We are talking about materials of the following types (several of which may coexist under one account, even on one page):

- video clips – 70;
- images (drawings, photographs, memes) – 59;
- audio (songs) – 38;
- texts (including re-publication of books) – 58;
- quotes and comments (on social media and forums) – 15;
- creation and administration of neo-Nazi groups – 3;
- unknown – 24.

Thus, in terms of typology, little has changed. The majority of convictions were for the re-publication of video clips and images on social media (primarily on VKontakte).

The predominance of video and music clips is understandable, given their visual impact. They are more attention-grabbing and are technically very easy to re-publish using video-hosting services. Thus, for example, copies of the infamous video clip *The Execution of a Tajik and a Dagestani* turn up on social media in large numbers. So far as re-publication of texts is concerned, it is hard to understand from the description, exactly what texts are being referred to, whether these are full length articles or just image captions.

It is worth paying some attention to the administration and creation of groups on social networks. Such groups are often created for the purpose of coordinat-

<sup>55</sup> For example, see: N. Yudina. Anti-extremism in virtual Russia: 2014–2015 // SOVA Center. 2016. 24 August (<http://www.sova-center.ru/files/xeno/web14-15-eng.pdf>).

ing acts of violence. Yet we have seen remarkably few sentences for this type of organisational activity in recent years.

We are once again forced to repeat<sup>56</sup> that nothing has been done to clarify the law with regards to the key criterion of public prominence – a key factor for propaganda materials. It is still completely disregarded during sentencing. In 2016, once again, the majority of sentences were passed on the ordinary rank-and-file social network users for re-posting video and audio content. We are talking about people without a mass audience. The main argument of the law-enforcement agencies is that all “unlocked” content (both original and re-posted) is potentially accessible to any Internet user. Yet, the reality is that, prior to attracting the attention of the law, the content published by the offenders is only viewed by their very non-numerous friends on the social network. A discussion of public prominence is, in our opinion, long overdue. Yet no such discussion seems to be happening in the legislative sphere. The Supreme Court refused to discuss this topic when preparing the updated Ruling on the anti-terrorist and-anti-extremist uses of criminal law.<sup>57</sup>

Our remarks should not be interpreted to mean that the law is applied exclusively to the pursuit of insignificant or random people. Starting from 2012 and even more so from autumn 2014, the state has been actively prosecuting right-wing radicals for actionable speech offenses, even if sometimes on trivial grounds<sup>58</sup>. In March 2016 the Kirovsky Court of St. Petersburg convicted Dina Garina, the leader of the ultra-right movement “The Russians of St. Petersburg”. She was given a suspended sentence for posting calls to violence against people from Dagestan on a social network. In September 2016 a suspended sentence was imposed under Article 282, Part 1 of the Criminal Code in Moscow upon the afore-mentioned former leader of RFO Memory and the head of the KNS Moscow branch Vladimir (Ratnikov) Komarnitsky. .

There have been seen slightly more convictions for off-line speech offences than the year before (31). Their distribution is as follows:

- delivering lectures – 1;

<sup>56</sup> See: V. Alperovich, A. Verkhovsky, N. Yudina Op. cit.

<sup>57</sup> The Ruling of the Supreme Court Plenum of the Russian Federation from November 3, 2016 N 41, Moscow «On amendments to the Ruling of the Supreme Court Plenum of the Russian Federation dated of February 9, 2012 N 1 «Concerning some questions of judicial practice in criminal cases regarding crimes of a terrorist nature» and the Ruling dated of 28 June 2011 N 11 « Concerning judicial practice in criminal cases regarding crimes of an extremist nature» // the Official website of the Supreme Court. 2016. November 16 ([http://www.vsr.ru/Show\\_pdf.php?Id=11086](http://www.vsr.ru/Show_pdf.php?Id=11086)).

<sup>58</sup> Instances of misuse of legislation are examined in: M. Kravchenko. Op. cit.

- reading a book aloud at a place of work – 1;
- directing a youth group (inflammatory speech) – 2;
- agitation in prison (appeals to cellmates) – 1;
- publication of books – 2;
- words shouted during an attack – 3;
- isolated inflammatory actions (exact nature unknown) carried out by leaders and members of ultra-right groups – 2;
- public insult in the street – 2;
- address at a rally – 1;
- leafleting – 5;
- graffiti – 6;
- sticker – 3;
- writing of articles – 1;
- public performance of a song – 1.

We do not dispute the validity of the convictions – criminal prosecution may be an adequate way to punish the actions listed. Yet, in these cases, same as in the cases relating to the Internet, what should be taken into account is not only the content of the statement but also the various other factors that affect how much of a danger the offence poses to society. First and foremost, one must consider the personal authoritativeness of the speaker, as perceived by his audience – some people’s words may have great resonance within a particular community, and other people’s ones quite clearly may not. The size of the audience, that is the afore-mentioned public prominence of the utterance, must, too, be considered – one may, for example, put up a thousand inflammatory stickers in the metro or address a meeting of a dozen people<sup>59</sup>.

### Prosecution of Extremist Groups and Banned Organizations

In 2016, prosecutions of the ultra-right under Article 282<sup>1</sup> (“Organising an Extremist Community”) and 282<sup>2</sup> (“Organising the Activity of an Extremist Community”) of the Criminal Code were somewhat less of a feature than they were in 2015. We know of six such verdicts, figuring 19 people in 6 regions of the country<sup>60</sup> (vs. 10 verdicts involving 10 people in 8 regions in 2015).

<sup>59</sup> For more information about the law enforcement in this area, see: The Rabat Plan of Action for the prohibition of national, racial, or religious hatred whereby enmity, discrimination or violence are incited // SOVA Center. 2014. 7 November (<http://www.sova-center.ru/racism-xenophobia/publications/2014/11/d30593/>).

<sup>60</sup> In this paper, we do not consider the sentences that are clearly inappropriate or the sentences imposed in on the members Hizb ut-Tahrir al-Islami.

Article 282<sup>1</sup> of the Criminal Code figured in three cases and was, quite justifiably, applied to the founders and members of ultra-right organisations.

In the Orenburg Region four young people from Orsk and Novotroitsk were sentenced to various prison terms under Article 282<sup>1</sup>, Parts 1 and 2; Article 282, Part 2, clauses a and c; and Article 111, Part 2, clause f. In 2010, two members of the ultra-right created a group in Orsk. The group was later joined by two more people from the Orenburg Region. On 18 November 2011, members of the group, armed with a bat and a knife, subjected a person of “non-Slavic appearance” to battery.

In Shadrinsk, Kurgan Region, five members of the White Wolves group (*Belye Volki*) were convicted. According to the investigators, a man from the city of Kurgan found “like-minded individuals” in Shadrinsk and created the White Wolves group in 2014. Between May and November of 2014 the accused had drawn xenophobic graffiti on buildings, published calls for violence on social networks, and, in August 2014, set fire to a cafe belonging to a man from Azerbaijan. The leader of the movement was convicted under Article 282<sup>1</sup>, Part 1 of the Criminal Code (alongside other articles) and given a suspended to 5 years prison term, along with restriction of liberty for one year, a probation term of two years and six months, a three year ban on activities connected to setting up public organisations, and a one year ban on putting any materials whatsoever on the Internet or disseminating them via mass media as well as on organising public events. The others also received suspended prison terms under various other articles.

In Moscow, the Zyuzino District Court passed a sentence under Article 282<sup>1</sup>, Part 2; Article 282, Part 1; and Article 222 of the Criminal Code (“Illegal Acquisition, Transfer, Sale, Storage, Transportation, or Bearing of Firearms, Their Basic Parts, Ammunition, Explosives, and Explosive Devices”) on 10 members of the Russian National Union “Attack” (*Russkoe Natsional’noe Obiedinenie “Ataka”*), a splinter group of the well-known neo-Nazi organisation Restruktl!. They received suspended prison terms.<sup>61</sup>

In the remaining three cases Article 282<sup>2</sup> of the Criminal Code was invoked (“Organising the Activity of an Extremist Community”).

In Omsk, a 59-year-old activist from the Russian National Unity movement (*Russkoe Natsional’noe Edinstvo*, RNE)<sup>62</sup>, Alexander Krasnoperov, was

<sup>61</sup> Two more men had been tried and convicted in connection with Attack earlier: one was given a suspend term of 2 years; the other, Vladimir Kudriashov, the founder of Attack, who had been detained on the territory of the Luhansk People Republic at the request of the Russian Federation’s Investigative Committee and handed over to the Russian authorities, was sentenced to 1 year in a general-regime colony.

<sup>62</sup> RNE Omsk branch was recognized as extremist by the decision of the Omsk Region Court in 2012.

convicted under Article 105, Article 280, Article 282, and Article 282<sup>2</sup>, Part 1.1 of the Criminal Code. Krasnoperov was accused of murder of another member of the ultra-right, the 19-year-old activist from Russian Runs (*Russkie Pro-bezhniki*) and Sober Backyards (*Trezvye Dvory*), Ilya Zhuravlev. Krasnoperov was the administrator of the RNE page on social media, where between 2009 and 2015 he had uploaded materials containing calls for racist violence and encouraging anyone who may be interested to join the RNE. He also conducted gatherings of RNE members at his flat. The court sentenced him to 10 years in a strict-regime colony.

In Nevinnomyssk, Stavropol Region, a student of an industrial college, Artem Deykun, was convicted under Article 282<sup>2</sup> of the Criminal Code. Between December 2015 and January 2016, Deykun had, in person and via his page on the social media network VKontakte, called on people to join the Misanthropic Division (sic!)<sup>63</sup>. The court found Deykun guilty and sentenced him to a suspended three year prison term and a further one year of restriction of liberty, with a three year probationary period.

Finally, as has become traditional, Article 282<sup>2</sup> of the Criminal Code was invoked in the conviction of yet another member of the neo-Pagan organisation Spiritual and Tribal Sovereign Rus’ (*Dukhovno-Rodovaia Derzhava Rus’*). In February 2016, in the town of Yemanzhelinsk, Chelyabinsk Region, the court fined one of the members of this organization 50,000 RUB for writing letters to law-enforcement agencies and other official agencies, containing information about the activities of his organisation. This practice of “self-incrimination” is typical of Spiritual and Tribal Sovereign Rus’.

## The Federal List of Extremist Materials

In 2016 the Federal List of Extremist Materials was undated 54 times, and 785 entries were added<sup>64</sup> (vs. 667 the year before). 4 entries were removed from the list, without changing the numbering. The total number of entries grew from 3229 to 4015.<sup>65</sup> Some of the entries list diverse materials of various types.

The new additions can be classified as follows:

- xenophobic materials produced by modern Russian nationalists – 604;
- materials produced by other nationalists – 6;

<sup>63</sup> Misanthropic Devison was recognised as an extremist organisation by the Krasnoyarsk Region Court on 17 June 2015.

<sup>64</sup> The SOVA Center thanks Maria Muradova, a three year student at the Moscow State University, Journalism Faculty, for her help with classifying the entries.

<sup>65</sup> As 15 March 2017, the list contained 4061 entries.

- materials considered the “classics” of racism – 2;
- materials produced by Islamist militants and other calls for violence issued by political Islamists – 69;
- other Islamic materials (books by Said Nursi; materials produced by banned organizations, including Hizb ut-Tahrir, etc.) – 18;
- materials produced by Russian Orthodox fundamentalists – 3;
- other religious materials (materials produced by the Jehovah’s Witnesses and others) – 5;
- particularly radical anti-Russian addresses from Ukraine (treated as a separate category from “other nationalists”) – 11;
- other materials from Ukraine’s mass media and Internet – 13;
- other materials containing incitements to violence and rioting – 27;
- non-violent opposition materials – 2;
- a large body of assorted texts, blocked in its entirety – 1;
- parodies banned as serious statements – 2;
- materials banned clearly by mistake – 2;
- materials created by people who were, in our view, not in full possession of their faculties – 2;
- materials that cannot be identified – 18 (includes the 4 entries removed from the list).

As expected, the share of online materials on the list keeps increasing: at least 711 entries out of 785 refer to materials found on the Internet (compared to 594 entries out of 667 in the preceding year). A significant part of this are the various xenophobic materials from the social network VKontakte. The off-line materials include: various xenophobic books (predominantly published by Algoritm publishing house) and flyers; Islamic literature; Jehovah’s Witnesses’ brochures; the letters of Spiritual and Tribal Sovereign Rus’ (for more information see the section that deals with persecution for the membership of various organisations); the banned graffiti from the bridge support in Vladimir<sup>66</sup>.

Sometimes, it is not entirely clear where the forbidden material was to be found. Thus, for example, entry no. 3247 reads: “The depiction of a human skull and bone with a caption “Dead head... The head of all!!!” beneath which another caption: “Death to Jews and people from the Caucasus and Central Asia [derogatory Russian terms for both are used], we’ll give you hell soon enough!!!” (Ruling of the Yoshkar-Ola City Court, Mari El, 10 October 2015)”.

<sup>66</sup> For more information, see: Vladimir: for some reason a court recognizes graffiti as extremist // SOVA Center. 2016. 20 December (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2015/12/d33425/>).

That this clumsy and ever more bloated mechanism has long since become impossible to work with is a point we have raised repeatedly over the years<sup>67</sup>. 4 entries have been deleted from the list over the course of the year, but this has hardly made a difference.

That said, the General Prosecutor’s Office has attempted to improve the situation by centralizing this kind of work. In November 2016 the text of a General Prosecutor’s Office Decree issued all the way back in March 2016 was made public. It rearranged the existing practices concerned with the prohibition of extremist materials<sup>68</sup>. However, so far, the expansion of the Federal List of Extremist Materials has only accelerated.

Some of the entries on the list look like quick notes jotted down for one’s own use or an organisation’s internal use – they are hard for ordinary readers to understand. Thus the carelessly described materials accumulate. For example, entry no. 3393 reads: “graphic file 2sgfcP75YWU.jpg uploaded to the VKontakte social network.” Other materials are only referred to by their URL, sometimes inaccurately reproduced<sup>69</sup>, making the ban all the more pointless. Not to mention the huge number of all manner of bibliographic, grammatical, and orthographic errors and typos.

On other occasions, the reverse is true and the descriptions are needlessly detailed. Take entry 3494: “A photo image containing a caption “Pugachev, Orel is with you! All the Chechens out!” transferred onto a concrete fence of the Krestitelskoye Cemetery, address: Orel, Karachevskaya St., 97A. Posted by A.A. Raevsky for public viewing on a VKontakte social network page, account of “Anton Raevsky”: [www.vk.com/id137792260](http://www.vk.com/id137792260) (by the ruling of Zavodskoy District Court, Orel, 09 March 2016)”. Despite this extremely thorough description, it remains totally unclear, whether it is the inscription on the fence that is illegal or its image uploaded to the social network. Would a similar inscription on a different fence be equally prohibited? Or a different photograph of the same inscription? Or the same photograph but posted from a different account? Etc.

These are not idle questions. Take this example: in November 2016, the Novocheboksarsk City Court in the Chuvash Republic, ruled that an administrative case had to be abandoned. The case was brought against Dmitry Pankov, a local

<sup>67</sup> See, for example, the relevant chapter in: V. Alperovich and N. Yudina. Evolution and Devolution: Xenophobia, Radical Nationalism and Efforts to Counteract them in the first half of 2016 // SOVA Center. 2016. 13 July (<http://www.sova-center.ru/racism-xenophobia/publications/2016/07/d35018/>).

<sup>68</sup> For more details see: M. Kravchenko Inappropriate Enforcement of Anti-Extremist Legislation in Russia in November 2016 // SOVA Center. 2016. 5 December (<http://www.sova-center.ru/misuse/publications/2016/12/d35943/>).

<sup>69</sup> We believe this is done on purpose, so as not to advertise the prohibited material.

activist of the People's Freedom Party (PARNAS), for reposting a photograph of Vitaly Milonov wearing a T-shirt with the banned slogan "Orthodoxy or death".<sup>70</sup> The court took into consideration the fact that, in the Federal List of Extremist Materials, this slogan ends with an exclamation mark. The phrase "Orthodoxy or death", as published by Pankov, has no exclamation mark<sup>71</sup>. Earlier, a Chuvash opposition activist Dmitry Semenov had been fined for publishing a photograph of Milonov wearing a T-shirt with the same slogan.

The courts keep adding the same materials to the list as new entries. In August 2016, entry no. 3746 on the list was Dmitry Nesterov's book "Skinheads: Rus is awakening" (*Skyny: Rus' probuzhdaetsia*), found to be extremist by Leninsky District Court in Yekaterinburg, Sverdlovsk Region, on 22 March 2016. The same book (also without any details regarding the publisher, the date of publication, etc.) had already been ruled to be extremist by the Leninsky District Court in Orenburg on 26 July 2010 and added to the Federal List of Extremist Materials as entry no. 1482. There was a similar story involving the "Iman Islam Namaz" brochure by Muhammad Saalih al-Munajjid (entries no. 3292 and 2073). What makes the Islamic brochure more notable still is that not only it was recognised as extremist twice in two years, both times were by the same court (first time in April 2013). Sometimes the same materials have multiple entries with different publishing data. For example, the film *The Eternal Jew* was added to the list in 2016 as no fewer than 10 separate entries, each with different bibliographic data (entries no. 3513-3522). And that despite the fact that the same film was already on the list as at least five other separate entries. At least 15 such repeat entries were added to the list over the year. Altogether there are at least 125 of them.

Some materials continue to be classified as extremist quite clearly inappropriately (Jehovah's Witnesses brochures etc.).

### Banning Organizations as Extremist

In 2016, 10 organisations were added to the Federal List of Extremist Organizations published on the Ministry of Justice website. This number is approximately the same as last year (when it was 11 organisations).

The following radical-right groups were added to the list in 2016: The Community Movement "TulaSkins"<sup>72</sup>; the Ethnopolitical Association "*The*

<sup>70</sup> This slogan was banned by the Cheremushkinsky District Court in 2010 and included on the Federal List of Extremist Materials under entry no. 865.

<sup>71</sup> Court decides not to punish the Chuvash activist Pankov for re-posting a photograph of Milonov // SOVA Center. 2016. 22 November (<http://www.sova-center.ru/misuse/news/persecution/2016/11/d35873/>).

<sup>72</sup> Found to be extremist by the Sovetsky District Court of Tula, 06 July, 2015.

*Russians*"<sup>73</sup> (we see this designation as partially inappropriate<sup>74</sup>); the Russian National Union "Attack"<sup>75</sup>; the Commune of the Indigenous Russian People of Astrakhan, Astrakhan Region<sup>76</sup>; the Will (*Volya*) party, as well as its regional branches and other subdivisions<sup>77</sup>. For the first time in its existence, the list has come to contain a detailed description of an organization's flag and emblem (those of the Will Party). This was probably done in order to make it easier to invoke Article 20.3 of the Administrative Code which concerns banned symbols.

Five religious organizations have been added to the list over the course of the year: Jehovah's Witnesses congregations in Stary Oskol, Belgorod<sup>78</sup>, Orel<sup>79</sup>, and Elista<sup>80</sup>, and one Muslim organization, the "Mirmamed Mosque" prayer house<sup>81</sup>.

Thus, at the time of writing, the Federal List of Extremist Organizations contains 58 organizations<sup>82</sup> (not including 26 organizations recognized as terrorist) whose activities are banned by the court and punishable under Article 282<sup>2</sup> of the Criminal Code.

Aside from this, the list of organizations recognized as terrorist, published on the FSB website, has also been updated over the course of the year. Two international organizations have been added to it as entries no. 25 and 26; *Ajr of Allah subhanahu wa ta'ala SHAM* (The Blessing from Allah, Glory to Him, the Exalted SYRIA)<sup>83</sup> and the religious organisation *Aum Shinrikyo, AUM, Aleph*<sup>84</sup>.

<sup>73</sup> Found to be extremist by the Moscow City Court, 28 October 2015.

<sup>74</sup> For more details, see: "The Russians" Association recognized as an extremist organization // SOVA Center. 2017. 28 August (<http://www.sova-center.ru/racism-xenophobia/news/countraaction/2015/10/d33132/>).

<sup>75</sup> Found to be extremist by the Moscow City Court, 11 August 2015.

<sup>76</sup> Found to be extremist by the Sovetsky District Court, Astrakhan, 21 July, 2015.

<sup>77</sup> Found to be extremist by the Supreme Court of the Russian Federation, 09 August 2016.

<sup>78</sup> Found to be extremist by the Belgorod Region Court, 10 February 2016.

<sup>79</sup> Found to be extremist by the Orel Region Court, 14 June 2016.

<sup>80</sup> Found to be extremist by the Supreme Court of the Kalmyk Republic, 25 February 2016.

<sup>81</sup> Found to be extremist by the Samara Region Court, 22 July 2016. It is discussed in: M. Kravchenko. Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2016...

<sup>82</sup> Already in 2017 Mejlis of the Crimean Tatar People was also added to the list – found to be extremist by the Supreme Court of the Crimean Republic, 26 April 2016.

<sup>83</sup> Found to be a terrorist organisation by the Moscow District Military Court, 28 December 2015. Organization names based on the spellings given on the FSB website. Most probably, what is being referred to is the network that collects funds to provide humanitarian aid to jihadists – aid to prisoners, medical aid, etc.

<sup>84</sup> Found to be a terrorist organisation by the Supreme Court of the Russian federation, 10 September 2016.

## Other Administrative Measures

### Prosecutions for administrative offences

The number of those punished for administrative offences is growing. It is likely that our data with respect to such offences is more incomplete than our data concerning criminal cases. The prosecutors' offices do not always release information about such measures. Even on the websites of the law courts, information about such cases appears with a considerable delay and, again, far from always. We present the data we have collated without taking into account the decisions that we consider patently inappropriate (the latter category is covered in our report on the "Inappropriate Enforcement of Anti-Extremist Legislation", released simultaneously with this one<sup>85</sup>).

So far as we are aware, in 2016, Article 20.3 of the Administrative Code ("Displaying Fascist Attributes and Symbols") was invoked in cases against 128 people, 5 of whom were minors. (73 people were prosecuted under this article in 2015).

There is a considerable increase in prosecutions of inmates in corrective colonies for the display personal tattoos with Nazi symbols. In 2016, at least 25 people were involved in cases of this type.

Most of the offenders were fined between 1,000 and 3,000 RUB. Just as with criminal prosecutions, some of the offenders faced a confiscation of the "instruments of crime" (laptops, tablets, or smart phones), the cost of which often exceeds the fine several-fold. 5 people were sentenced to administrative arrests (detention for 3 to 10 days).

As always, some of the court decisions seem a bit dubious. In Samara Region, a court not only fined Vladimir Avdonin 1,000 RUB for a photograph of a WWII German soldiers in uniform and some photographs taken at one of the 1 May marches of the ultra-right in St. Petersburg but also deprived him for a year of the right to stand for public office<sup>86</sup>.

A legal entity – the book shop *OOO Novyi Knizhnyi M* in the Moscow shopping centre *U Rechnogo* – was also tried in an administrative case under Article 20.3 of the Administrative Code. The shop sold bags with an imprint of the seal of the "Oberkommando der Wehrmach", the Nazi Germany's commander in chief. The seal included Nazi symbols. The shop was fined for 30,000 RUB.

<sup>85</sup> M. Kravchenko. Op. cit.

<sup>86</sup> See: An activist from Samara will have to pay an administrative fine // SOVA Center. 2016. 21 December (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/12/d36055/>).

161 people, four of them minors, were convicted under Article 20.29 of the Administrative Code ("Production and Dissemination of Extremist Material"). In 2015, we reported about 61 convictions under this article.

7 offenders were sentenced to administrative arrest (3 to 10 days). The rest were fined small amounts.

The prosecutors are invoking progressively more of the entries on the Federal List. In 2016, social network users were punished for uploading the songs of 12 ultra-right bands (primarily *Kolovrat*), the songs of armed Chechen resistance by Timur Mutsuraev, various xenophobic video clips (primarily the clips by Format-18 and various versions of *The Last Interview with the Partisans of Primorye*), the video clips containing addresses by Said Buryatsky, xenophobic films (among them *The Eternal Jew*<sup>87</sup>), and two instances of forbidden graffiti. However, the prosecutors clearly struggle to learn the entirety of the massive list, and the range of the entries invoked remains laughably small compared to the formidable variety of materials the list contains.

There were also legal entities who were found guilty under this article. In Khabarovsk, a court fined a network of music shops of the Kio trade house 154,000 RUB for selling discs containing songs by *Korroziya Metalla* which are considered to be extremist.

In 2016, 18 people were prosecuted under Articles 20.3 and 20.29 of the Administrative Code simultaneously. Three of them were sentenced to administrative arrest; the remainder were fined, except for one case where the results are still unknown to us.

Several parents were prosecuted under Article 5.35 of the Administrative Code ("Failure of Parents or of Other Legal Representatives of Minors to Carry Out Their Obligations as Regards the Maintenance and Upbringing of the Minors"). Cases were filed against the mothers of two junior xenophobes. The court fined the relatives of the girls accused of torturing and killing animals and inciting hatred towards a particular social group 500 RUB (see the Systematic Racist and Neo-Nazi Violence: Attacks against LGBT and Homeless People section)<sup>88</sup>.

<sup>87</sup> The Eternal Jew is a well-known film directed by Fritz Hippler at the behest of Goebbels. This film, more frequently than any other, is encountered among the materials people are persecuted for under administrative law – perhaps unsurprisingly, given that it that it appears on the Federal List no fewer than 15 times (see above).

<sup>88</sup> Parents and a grandmother of the Khabarovsk girls who tortured animals fined for 500 roubles // RAPSİ. 2016. 8 December ([http://www.rapsinews.ru/incident\\_news/20161208/277301965.html](http://www.rapsinews.ru/incident_news/20161208/277301965.html)).



Earlier in this document, we mentioned verdicts that we regard as more or less appropriate. We know of at least 43 cases of inappropriate punishment under Article 20.29 of the Administrative Code and of 19 such cases under Article 20.3. Thus, we have 289 appropriate decisions and 62 inappropriate ones. In comparison with 2015, when there were 155 appropriate decisions and 86 inappropriate ones, the proportion of inappropriate convictions has significantly fallen.

### Prosecutorial Activity on the Internet

So far as combating extremist material on-line goes, the task of the prosecutors comes down to blocking access to the prohibited materials (or those presumed to be otherwise “dangerous”). In the last four years, the law-enforcement agencies have been getting progressively more proactive on this front.

Firstly, an active content-blocking system based on the Unified Registry of Prohibited Sites has been up and running since 1 November 2012. According to the data published on RosKomSvoboda<sup>89</sup> (only RosKomNadzor has access to the complete data set), in 2016, 486 internet resources were added to the registry or terrorism-related reasons by the decisions of various courts (vs. 283 in 2015)<sup>90</sup>. As of 1 January 2017, the total number of resources that have been blocked in this fashion since the registry came into existence is, according to preliminary calculations, 908<sup>91</sup>.

The registry will inevitably keep growing. We know of at least another 45 applications made by prosecutors to courts, asking that the content of various web pages be recognized as “forbidden for dissemination in the Russian Federation” and the resources be added to the register. It is likely that the real number of such applications is far higher.

Secondly, the Unified Registry is supplemented by an additional registry stipulated under Lugovoy’s Law<sup>92</sup>. This law makes provisions for online materials being blocked at the request of the General Prosecutor’s Office, without the involvement of a court, if the said material carries incitement to extremist activities or public disorder. The supplementary registry is growing extremely fast: in 2016, 923 new online resources were added to it – vs. 133 in 2015<sup>93</sup>.

<sup>89</sup> See: Register of banned sites // RosKomSvoboda (<http://reestr.rublacklist.net/>).

<sup>90</sup> See: Updated list: “Extremist resources” in the Unified Register of Prohibited Sites // SOVA Center (<http://www.sova-center.ru/racism-xenophobia/docs/2016/04/d34421/>).

<sup>91</sup> According to RosKomSvoboda, extremism-related resources take up only a small share of the registry. As of 12 March 2017, there were 62,297 entries in total.

<sup>92</sup> Full title: “On Amendments to the Federal Law “On Information, Information Technologies and Protection of Information””.

<sup>93</sup> See: Updated list: Resources Listed in the Register of Sites Blocked under Lugovoy’s Law // SOVA Center (<http://www.sova-center.ru/racism-xenophobia/docs/2017/01/d36203/>).

(The total number of listed resource is 1410.) It is interesting that efforts to expand the registry picked up in earnest in the second half of the year. The bulk of the materials added were radical Islamist in nature (including the video clips produced by the Islamic State).

Formally the two registries exist separately, but the protocol of working with them is virtually identical. When RosKomNadzor reaches the requisite decision, a block is applied to the concrete URL of the page, or much more widely to the sub-domain name, or to the IP address<sup>94</sup>.

The following on-line resources have been added to the registries over the course of the year:

- the xenophobic materials produced by the contemporary Russian nationalists (this includes various video clips, songs by Kolovrat, Tsiklon B, Order, and Argentina, poems by Alexander Kharchikov, Dmitry Nesterov’s book *Skinheads: Rus awakens*, incitements to join the Azov battalion posted on VKontakte, and much else);
- investigations by journalists (e.g. Bill Buford’s book *The English Disease*);
- materials by the “classics” of fascism (books by Hitler, Mussolini, Himmler, etc.)
- materials produced by Islamist militants and other calls for violence issued by political Islamists (including incitement to travel to Syria);
- other Muslim materials (Said Nursi’s books, materials produced by banned organizations, including Hizb ut-Tahrir, etc);
- video clips containing materials generated by the Ukrainian organizations and sites prohibited in Russia (clips by the Right Sector);
- other materials from Ukraine’s mass media;
- parodies banned as serious statements;
- various other materials directed at undermining the government or inciting public disorder;
- various materials produced by peaceful opposition (e.g. calls to attend the march in memory of Boris Nemtsov in Nizhny Novgorod or the protest of the long-haul drivers);<sup>95</sup>
- materials that cannot be identified.

<sup>94</sup> This leads to the blocking of many entirely innocent sites simply located at the same IP address.

<sup>95</sup> Interestingly, but not a single webpage containing calls to attend the «Russian March» was blocked.

All our objections concerning the efficacy and legality of such measures have been repeatedly voiced previously<sup>96</sup>. The situation has only worsened. Like the Federal List, the registers are ballooning in size. Both the human involvement and the component of critical analysis are steadily getting squeezed out of the system – hardly surprising, given the sheer size of it. In 2017 it came to be known that the keyword searches are done for the law-enforcement agencies by a special program called Laplace’s Demon (*Demon Laplasa*). The program, which performs round-the-clock monitoring of social networks, was developed by the Center for Research into the Legitimacy and Political Process, an autonomous non-commercial organization. The organization forwards information about extremist content identified by the program to local law-enforcement agencies.<sup>97</sup>

One thing never changes from one year to the next: the quality of new additions gets steadily worse. The existing content-blocking systems in no improve public safety, but they do increasingly limit freedom of expression.

*Olga Sibireva*

## Freedom of Conscience in Russia: Restrictions and Challenges in 2016

This is the latest annual report by the SOVA Center for Information and Analysis on freedom of conscience in the Russian Federation.

The report is based on information collated during monitoring carried out by our Center. This material is available on the Center’s website, in the section ‘Religion in Secular Society’ ([www.sova-center.ru/religion](http://www.sova-center.ru/religion)), together with links to media and internet sources. In this report, references are given only for those sources which are not available via the website.

This report contains only relevant updates on events discussed in the previous year’s report.<sup>1</sup> Events mentioned in our reports generally serve to illustrate trends we have observed; we are not aiming to exhaustively describe all developments in the sphere of public religion.

Problems and cases connected with the misuse of anti-extremism legislation are discussed in a separate, dedicated report.<sup>2</sup>

### Summary

In 2016, some of the tendencies noted in previous reports have developed in ways which evoke serious concerns.

The passing and early application of ‘anti-missionary amendments’, part of Yarovaya’s and Ozerov’s ‘anti-terrorist package’, was undoubtedly the most important event of the year. The amendments have seriously impeded the activity of many religious organizations, especially unregistered religious groups. The introduction of these amendments is a victory for those within and beyond the machinery of State who are dedicated to combatting ‘sects’ – that is, religious minorities they deem undesirable.

<sup>96</sup> For example, see: N. Yudina Anti-extremism in virtual Russia...

<sup>97</sup> The lawyer: the leader of the «Instructions for survival» was called to the center «E» following the denunciation of a NGO, which had allegedly developed the anti-extremist software for monitoring social networks // Mediazona. 2017. February 2 ([https://zona.media/news/2017/08/02/demon\\_laplasa](https://zona.media/news/2017/08/02/demon_laplasa)).

<sup>1</sup> Olga Sibireva. ‘Freedom of Conscience in Russia: Restrictions and Challenges in 2015’, SOVA Center, 15 April 2016 (<http://www.sova-center.ru/en/religion/publications/2016/04/d34317/>).

<sup>2</sup> Maria Kravchenko. ‘Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2016’, SOVA Center, 21 April 2017 (<http://www.sova-center.ru/en/misuse/reports-analyses/2017/04/d36857/>).

The sharply increased pressure on Jehovah's Witnesses demonstrates that the authorities also intend to continue in this same direction. The long-running state campaign against them continued in 2016 with a ban on five communities, and by the beginning of 2017 had led to legal action seeking a total ban on the activities of Witnesses in the country. We are dealing with actual religious persecution, comparable in scale with the harassment of minorities within the Islamic community, but without the excuse of any threat to national security.

The state's course of increasingly severe policies in relation to 'non-traditional' religions and religious movements is supported by the mass media, which continues to maintain the 'anti-sect' rhetoric that we observed earlier. This tendency seems to us an extremely dangerous one, since furthering the growth of xenophobia amongst the public also invites the possibility of new repressions.

The construction of religious buildings, most often Orthodox churches, continues to create tensions in various regions. The main reason for conflicts remains the contentious sites selected for building works. Although in a number of cases the authorities listened to citizens' opinions and cancelled or moved construction, they often preferred to ignore the protests. Bureaucrats demonstrated more readiness to take public opinion into account when mosques, rather than Orthodox churches, were being debated.

The defenders of religious feelings, who were convinced that they could endure punishment for their actions, tempered their enthusiasm somewhat: in opposing 'blasphemous' works of art, at least, they dispensed with the use of force. As before, the authorities periodically reined in this category of activists, but did not interfere with their active use of the Criminal Code to defend religious feelings.

Overall, although religion continues to play a secondary, supporting role in the State's ideological edifice, it seems that in 2016 repressive and discriminatory approaches specifically in spheres connected with religion were used much more actively than before.

## Legislation

Over the course of the year several pieces of legislation affecting the activities of religious organizations were passed. The most significant event was the State Duma's acceptance, on 24 June, of Irina Yarovaya's and Victor Ozerov's anti-terrorist package of bills at second and third readings. Amendments to the law 'On Freedom of Conscience and Religious Associations', which introduce the concept of 'missionary activity', regulating and essentially circumscribing missionary activity, were unexpectedly included in the package at precisely this

point. The entire package was approved by the Federation Council on 29 June, and signed by Vladimir Putin on 7 July.

In the law, the concept of 'missionary activity' means not preaching, as such, but the dissemination of information by religious associations (organizations or groups) about their beliefs with the aim of attracting new participants. The list of those who may conduct such activities is limited by the amendments: in the case of religious organizations 'the leader of a religious organization, a member of its board and (or) a cleric' may preach without restrictions; any others intending to carry out missionary activity in the name of a religious organization now require a special document granting permission from the leadership of that organization. This document, amongst other things, must confirm '*the fact of the religious organization's entry into the unified state register of legal entities and state registration issued by a federal body or by its territorial body.*' The same requirements also extend to registered religious groups, but the group's assembly will issue the document. The members of unregistered groups have, in practice, entirely lost their constitutional right to promulgate their religious convictions, since – by definition – they are unable to produce a document which confirms registration.

Moreover, the choice of places in which one might preach without special permission is limited: in property and on plots of land owned by the religious association, and in cemeteries. Missionary activity in residential accommodation is completely banned.

The passing of this law had broad public resonance. Considering that the anti-missionary amendments were unexpectedly introduced into the 'Yarovaya bill' before the second reading and in contravention of the order for considering draft bills, there was no time for proper public consultation. In the short interval between their introduction and acceptance, religious organizations, lawyers and human rights activists attempted to convey to the designers the danger of passing these amendments, pointing out indistinct formulations which allow for varying interpretation and, necessarily, may allow for abuse in law enforcement practice. Nevertheless, the amendments were accepted without substantial corrections.

For many years now, efforts to legally restrict missionary activity have ended in failure. Several regional bills about missionary activity were passed in 2015, a similar bill was approved by the Legislative Assembly of the Yamalo-Nenetsk autonomous district in May 2016, but until the summer of 2016 similar efforts on the federal level were voted down. This time, those who support the limitation of missionary work managed to get their own way, correctly calculating that all public attention would be concentrated on the not insignificant number of other scandalous points in the given package of bills, including tightening control over the internet, and the restriction of missionary work was successfully introduced almost unnoticed.

Another piece of legislation successfully passed in 2016 simplified the use of buildings of religious purpose. Approved by the State Duma on the third reading on 18 March and signed by the President on 30 March, amendments to the Civil Code and the law ‘On the Freedom of Conscience and on Religious Associations’ forbid the demolition of unauthorized religious buildings, and likewise objects intended for the maintenance of property of religious purpose or forming part of a single monastic, church or any other cultic complex, in the absence of a court ruling.

### Initiatives not (yet) successfully progressed

Regional parliaments continued to develop laws which regulate missionary activity on regional or federal levels. However, work on these bills was halted by the passing of amendments relating to missionary activity within the framework of the ‘Yarovaya – Ozerov package’.

Over the course of the year there were other attempts to introduce changes to the law ‘On Freedom of Conscience and Religious Associations’. Amendments were introduced to this bill in the Duma on the initiative of the People’s Assembly of the Republic of Ingushetia, for example. It was proposed to change Article 7 (“Religious group”), making it mandatory for religious groups to register and to present notification of registration annually, and limiting the size of groups to ten members. The bill was withdrawn in October.

Ramzil Ishsarin, a deputy of the State Assembly of Bashkortostan, proposed to change this same Article, plus Article 11 of this law, and Article 5.26 of the Code of Administrative Offenses of the Russian Federation (‘Violation of legislation on freedom of conscience, on freedom of religious confession, and on religious associations’). He recommended that the concept of a ‘representative of a religious group’, who might substitute for the leader in communication with the body responsible for state registration, be excluded from the law. He further proposed to introduce penalties for activity by a religious group without prior notification or for the provision of information known to be false about the group’s activity. As before, the law remains under consideration in the State Duma.

Moreover, the State Duma yet again dismissed a proposal for a ban on mentioning the ethnic and religious identity of terrorists in the mass media. This time the proposed ban was initiated by the parliament of Chechnya.

In November, senator Elena Mizulina suggested to State Duma deputies that legislation on religion be improved, that the concept of a ‘destructive sect’ be enshrined in law, and that a working group for the ‘struggle with destructive public associations and religious sects’ be created. Such a group was founded under the Federation Council in February 2017. Notably, it included several

‘experts on sects’ from the Russian Association of Centers for the Study of Religions and Sects (*Rossiiskoi Assotsiatsii tsentrov izucheniia religii i sekt, RATsIRS*), including its president Alexander Dvorkin, representatives of the Russian Orthodox Church of Moscow Patriarchate<sup>3</sup>, representatives of the security services, including the FSB, and Larisa Astakhova, head of the religious studies department at Kazan (Volga Region) Federal University, whose expert testimony on the activities of the Moscow Church of Scientology served as one of the grounds for liquidating this organization.

## Problems relating to places of worship

### Problems with the construction of religious buildings

It was most often Orthodox Christians and Muslims who encountered problems with the construction of religious buildings, as it was last year. In the case of the Orthodox, difficulties again arose primarily because the places selected for construction were inappropriate, impinging on the interests of residents.

As before, the situation in Moscow remains difficult. Conflicts accompany the implementation of a building programme of Orthodox churches ‘within walking distance’, which is supported by the city government.

The fiercest conflict remains that around the construction of a church in Torfianka Park. Despite a court ruling that the construction site be moved from the park, and the commencement of building on a different plot, construction supporters attempted to secure the renewal of building works on the territory of Torfianka, regularly holding ‘prayerful stands’ (*molitevennye stoianiiia*) while their opponents attempted to disrupt them. This degenerated into physical conflict between the opposing sides. In February people in masks attacked local residents who were attempting to obstruct the unloading of building materials, and squirted them with pepper spray. In April activists from the Forty Forties movement (*Sorok sorokov*) once again attacked the park’s defenders, and green activist Sergei Makarkin, a local woman and her defender Vladislav Kuznetsov, aide to Communist Party (KPRF) Duma deputy Alexander Potapov, were injured. Supporters of the building programme reported an attack on Fr Oleg Shalimov, whose church construction was moved out of Torfianki Park, but video materials provided by them did not confirm the fact of the attack. In July, unknown individuals threw Molotov cocktails at the not yet dismantled

<sup>3</sup> Hereinafter the Russian Orthodox Church of Moscow Patriarchate refers to “the Russian Orthodox Church”.

construction site. A scuffle also broke out when attempts were made to erect a fence around the construction site, in which both park defenders and Orthodox activists reported physical injuries.

Despite the court ruling that construction be relocated, the authorities appear to have taken the side of the Orthodox activists. In any case, it was precisely the park defenders who were detained more than once over the course of the year, after protesting continuing action in the park by construction supporters. In August two defenders of the park were fined for minor hooliganism after complaints from Orthodox activists that they had obstructed a prayer service. In November, criminal proceedings were instituted against several activists under part 1, Article 148 of the Criminal Code ('Public actions expressing obvious disrespect to society and committed with the aim of insulting the religious feelings of believers').

Protests against the construction of churches in public squares and parks also continued in other Moscow districts, as in Nagatino-Sadovniki, Tushino or Lefortovo, for example. In several cases the situation also degenerated into physical conflict. While under the influence of alcohol, one of the supporters of the construction of a church on the banks of the Khimkinsky reservoir beat up a park defender, breaking his spine. In the park by Golovinsky ponds, a representative of the Forty Forties movement knocked a phone from the hands of an elderly woman resident who was trying to film the arrival of the church's skeleton frame at the construction site.

Conflicts around the construction of Orthodox churches were also recorded in other regions. Residents of Bryansk, Volgograd, Voronezh, Irkutsk, Obninsk, Omsk, Rostov on Don and Saratov protested the construction of ecclesiastical buildings in green zones. In Moscow region's Pushkino, local inhabitants protested the construction of an Orthodox chapel on a football field in Novaia Derevnia. Togliatti residents continued to protest the appearance of an Orthodox metochion [a satellite church usually belonging to a monastery] and Sunday school on a sports ground: in June they dismantled part of the church fence and wrote 'The President supports the development of neighborhood sport for all' in red paint on the remainder. Inhabitants of St Petersburg's 'Baltic pearl' quarter came out against the construction of an Orthodox church on the banks of the Matisov canal, arguing that a kindergarten or school should be built there instead.

In several cases the local authorities supported the protesters. Thus, deputies of the Chita town Duma voted against construction of a church in the MZhK park, supporting residents who had been opposing the development of the park since 2015. The construction of a church in Chukovsky park, Rostov on Don, was also called off in the face of protests by townspeople. In the face of public pressure, the administration of the rural settlement Seversky of Krasnodar region

dissolved an agreement to assign a plot of land – on which local residents had hoped to build a school – to an Orthodox parish.

In other regions government officials opted to ignore public opinion and support construction. The governor of Sverdlovsk region, for example, confirmed that a church of St Catherine would be built for Ekaterinburg's 300<sup>th</sup> anniversary. The town's residents have been opposing this proposed reconstruction since 2010. The proposed construction site has changed several times as a result of public pressure: now it is proposed to build the church on the banks of the river Iset, which would spoil the historic appearance of a nearby monument of 1934 constructivist architecture, the Dynamo sports complex.

In Novorossiysk, where protests against the construction of the Naval cathedral near Sudzhuk lagoon have continued, the regional Directorate for the state preservation of cultural heritage filed a lawsuit against the diocese, since construction was carried out in two protected zones at once, and the diocese did not have all the necessary permission documents. Construction was temporarily halted, but then the eparchy obtained full documentation granting permission and the erection of a two-story church and religious education centre was resumed.

In Chelyabinsk, however, the prosecutor's office handed out a warning to student Ekaterina Omel'chenko, who organized a petition against the construction of a chapel in the square in front of the Southern Ural State University, about the impermissibility of violating Article 5.26 of the Administrative Code of the Russian Federation ('Violation of legislation on freedom of conscience'), Article 148 Part 1 of the Criminal Code ('Insulting the feelings of believers') and Article 280 of the Criminal Code ('Public calls for the realization of extremist activity').

Residents of various regions also protested against the construction of mosques, however, in these cases the question of town protection – if raised at all – was far from the most important motive. Protesters above all linked the appearance of mosques with a rise in the number of migrants and the danger of terrorism. This was the case in Volzhsky, Volgograd region, for example, where the residents organized a petition against a mosque which noted the possibility of trees being cut down but put greater emphasis on the creation of '*fertile conditions for the development and appearance of radically inclined elements and Islamic terrorism in the town*'

The possible 'criminal activity of migrants' also worried those protesting against mosques in Khabarovsk and Perm. The latter even managed to secure the suspension of construction, however it was then resumed despite continuing protests. Despite protests, a building plot was also allocated to Khabarovsk's Muslims.

Omsk residents also came out against the construction of a mosque, fearing loud calls to prayer, and the worsening of roads and ecological conditions in the face of an influx of believers. Samara residents also protested, ready to lose their garages and sheds for the sake of a sports complex with a swimming pool but not for the sake of a mosque.

In Ufa public opinion, supported by the Orthodox diocese, opposed the construction of a Muslim center ‘Muslim City’ (*Muslim-siti*) by the Ar-Rakhim mosque, citing threats to the preservation of neighboring ancient monuments. As a result, Ufa authorities referred the project back for further work, and its authors changed the name to ‘Multiconfessional Quarter of Peace and Concord’ (*Mezhkonal’nyi kvartal Mira i soglasia*).

We know of difficulties with the construction of one further religious organization: after public protests the administration of Bratsk, Irkutsk region, overturned a decision granting permission for the construction of an evangelical Christian church and rehabilitation center in the park of the Iuzhnyi Padun microregion. Local residents did not want a rehabilitation center for the alcohol and drug dependent as a neighbor.

### Problems with existing religious buildings

As in the previous year, it was most often Muslims who experienced difficulties using already existing religious buildings, and also Orthodox who are not under the jurisdiction of the Russian Orthodox Church. The decline in the number of problems experienced by Protestant organizations in using religious buildings, which we observed two years ago, has continued: they now have significantly fewer difficulties.

The Muslim community of Urengoy, Yamalo-Nenetsk autonomous district, has not managed to recommence the work of the mosque halted in 2014 by a ban on the use of the building. Back then, the court had upheld a lawsuit by the prosecutor’s office, which had revealed violations of fire safety regulations and of the requirements of town planning legislation. In 2016 the community attempted to change the means of implementing the court ruling, confirming that the violations identified had been rectified. The court, however, dismissed their petition.

In the village of Podberezovo, the Orlov Regional and District Courts found a Muslim prayer house built by local inhabitants to be an unauthorised construction, and ordered that it be taken down. This followed a complaint to the prosecutor’s office by disgruntled village residents neighboring the prayer house.

The administration of the village of Belozer’e in Mordovia, distinguished by a continuing three-year conflict over the ‘hijab problem’, also demanded

that a mosque be demolished. The authorities are insisting on the demolition of the mosque despite the fact that the community has ownership rights over the building, constructed in 2013.

Two decisions about the demolition of churches were taken in respect of ‘alternative’ Orthodox churches. The Penza authorities announced the demolition of the partially-built church of a monastic community of the Church of True Orthodox Christians of Greece (*Tserkov’ istinno-pravoslavnykh khristian Gretsii*). Noginsk City Court upheld a lawsuit by the district administration, which demanded that the Trinity church (*Troitskii khram*) – under the jurisdiction of the Kievan Patriarchate – be demolished. The court found that the church had been built illegally on that particular plot of land, despite the fact that it has been functioning since the beginning of the 1990s. Moscow City Court upheld this ruling.

Other organizations also had problems using existing religious buildings. In Nizhny Novgorod Region bailiffs dismantled the building of the Divya Loka center of Vedic culture in Chukhlomka village, Vetluzhsky district. In this fashion the Vetluzhsky District Court ruling from 17 September 2015, which deemed part of the monastic complex illegal, was complied with.

Over the course of the entire year the Sverdlovsk regional directorate of the Federal Service of Court Bailiffs sought to demolish the Shad Tchup Ling Buddhist monastery, situated in the exclusion zone of a mining and processing industrial complex near Kachkanar. The court ruling to demolish was made back in 2014, however implementing this decision has been postponed, the demolition date has been moved, and the monastery continues to exist on that same spot. However, the decision about the demolition still stands, and in November the Regional Forestry Department announced their intention to invite tenders and find a contractor who will undertake the demolition.

It is notable that bureaucrats did not demand the demolition of an Orthodox chapel which was declared an illegal construction, but only required that ownership of it be registered. The St Petersburg Committee of property relations served the corresponding lawsuit against City General Hospital no. 2, which had built the chapel on its territory in 2013 without permission from the authorities.

However, the Russian Orthodox Autonomous Church (*Rossiskaia pravoslavnaia avtonomnoi tserkov’*, RPATs) continued to be deprived of that property still remaining to it after the confiscations of recent years. In November the Yaroslavl Regional Court of Arbitration satisfied the suit of the Territorial directorate of the Federal Agency for the Management of State Property of the Russian Federation, thereby dissolving a contract with the local religious organization of the RPATs which accorded it use of the seventeenth century Church of the Vladimir Icon of the Mother of God at the Almshouse (*khram vo imia Vladimirskei ikony Bozhei Materi na Bozhedomke*) in Yaroslavl.

## Positive resolutions

Some organizations managed to defend their rights to prayer houses. The authorities in Perm, who had earlier refused to approve the documents for a plot on which to build a Jewish cultural center with a synagogue, reconsidered their decision and – despite protests from nationalists – nevertheless allotted the town's Jewish community a piece of land for free use for a period of ten years.

The Jewish community of Sochi managed to renew their leasehold on a plot of land to build a synagogue through the courts. The town administration attempted to annul a lease agreed in 2008, citing the fact that the plot of land was located on the grounds of a health resort. The Krasnodar Regional Court of Arbitration, however, took the side of the Jewish community.

The 'Azerbaijan' Muslim community of Ekaterinburg secured, through the courts, permission to build a mosque and the extension of a leasehold agreement for a plot of land which the mayoralty had attempted to revoke.

Tula Regional Court of Arbitration recognized the right of the Seventh Day Adventist church to ownership of a prayer house in the town of Lipki. Since this religious organization was liquidated back in 2007 for failing to file reports, the prayer house had no formal owner, therefore the electricity company had cut off the electricity supply to the building in 2014. The newly re-registered church managed to prove in court that it had *de facto* never stopped existing and had maintained the building in appropriate condition. The court agreed to restore property rights to the building.

## Defending believers' feelings

### Top-down defence

In 2016, for the first time, we encountered a significant number of convictions under the so-called law for the protection of religious feelings – Article 148 Part 1 of the Criminal Code ('Public actions expressing obvious disrespect to society and committed with the aim of insulting the religious feelings of believers'), the formulation of which was changed in 2013. Similarly, several new proceedings were instituted under that Article. We also consider the majority of proceedings under that Article inappropriate.<sup>4</sup>

In Orenburg, a teacher at Orenburg state medical university, Sergei Lazarov, was sentenced under that Article for a debate about an ancient icon. The court

<sup>4</sup> The cases of Lazarov, Simakov, Kazantsev and Shaidullina, Kormelitsky are described in Kravchenko. Op. cit.

fined him 35,000 rubles but waived the punishment because of the length of time that had passed. Lazarov did not manage to dispute the sentence. In Ekaterinburg 'voodoo master' Anton Simakov was sent for compulsory medical treatment for a ritual directed against the authorities in Ukraine, since he had used – amongst other things – items used in the Orthodox funeral service. Residents of Sosnovka in Kirov region, Konstantin Kazantsev and Rustem Shaidullin, were sentenced to 230 hours compulsory labor for hanging a homemade scarecrow with an offensive inscription on a monumental cross.

Of course, Article 282 of the Criminal Code was also used against those offending religious feelings, as happened before the change to Article 148. Thus activist Maxim Kormelitsky, who published a photograph of bathers in an Epiphany ice-hole with an offensive commentary on his VKontakte page, was sentenced under Article 282 Part 1 of the Criminal Code to a year in a penal colony.

Sometimes both of these Articles of the Criminal Code were used simultaneously. In Kirov a sixteen year old was sentenced in this fashion to 120 hours of compulsory labor for having published in 2015 some photos with commentaries which experts deemed offensive to religious feelings and a justification of violence against believers.

The case of Daghestani sportsman Said Osmanov was particularly high-profile. Arriving at Kalmykia's capital for a sports competition, he went into a Buddhist temple, urinated there and kicked a statue of Buddha in the nose. He then published a video of this act of vandalism on the internet, evoking the indignation of local residents. Despite an apology from the sportsman, criminal proceedings were brought against him and Elista City Court sentenced him under Article 148 Part 2 and Article 282 Part 1 of the Criminal Code to two years' imprisonment (suspended) with one year's probation.

Another widely-reported case under part 1 Article 148 of the Criminal Code is that of Stavropol blogger Viktor Krasnov, which began back in 2015 and has dragged on for over a year. In October 2014 Krasnov left several rude – and some antisemitic – commentaries on the social media site 'Overheard in Stavropol'. In particular he expressed a negative attitude to quotations from the Bible and declared that 'there is no god!' By February 2017 Stavropol's Promyshlennyi District Magistrates' Court dismissed the case because of the amount of time that had passed.

Over the course of 2016, several new proceedings were initiated for offending religious feelings. The most well-known was that brought against Ekaterinburg blogger and atheist Ruslan Sokolovsky, under Article 282 Part 1 and Article 148 Part 2 of the Criminal Code. Sokolovsky is accused of publishing several video clips with utterances insulting to believers, including one about Pokemon hunting in an Orthodox church.

In Tuva in November, proceedings were instituted under Article 148 Part 2 of the Criminal Code in connection with the distribution on social media of photographs of a girl posing in front of a Buddhist prayer drum in Kyzyl town square. According to the investigation, the girl had aimed a kick at the drum. In the photograph published by the investigating committee of the Tuva Republic, however, the girl can be seen to touch the drum with her hand rather than her foot.

A criminal case was brought against a resident of Rostov on Don in September under Article 148 Part 1 for publishing images, video clips and poetry on social media which investigators considered offensive to Christianity.

Moreover, in December a case was brought against Orlov pensioner Andrei Nevrov, under Article 5.26 Part 2 of the Administrative Code ('Deliberate public profanation of religiously venerated objects, signs or emblems of worldview symbolism and paraphernalia'), for bringing a model of a coffin with the inscription 'Potomsky's reason, honor, conscience', topped with a cross, onto a public square during a protest against the region's governor. The court considered that Nevrov's actions did not constitute an administrative offence, since they did not conform with the definition of profanation.

We also note that in March Moscow City Court upheld the September 2015 ruling of Moscow's Tagansky District Court about the legitimacy of the warning issued by the Federal Service for Supervision in the Sphere of Communications, Information Technology and Mass Communications (*Roskomnadzor*) to the publication Sib.fm, for publishing images of men with the heads of Christ, Pushkin and Putin (a composition by the 'Blue noses' group). The court ruled that the image contained '*artistic devices of a derogatory nature in relation to some famous religious actors, and also expressive devices which are offensive or humiliating to the dignity of representatives of religious confessions and associations (or religious groups)*'.

### Defence from below

In comparison with 2015, activity by grassroots defenders of religious feelings was somewhat reduced. The punishment of those who attacked the Moscow Manezh Exhibition probably had a restraining effect: in addition to the administrative penalty imposed in 2015, the authorities pursued criminal proceedings under Article 243 Part 1 ("Destruction of or damage to objects of cultural heritage or cultural values") against the pogromists. Recognized as the injured party, the Moscow government served one of the participants in the attack, Liudmila Esipenko, an activist in the God's Will (*Bozh'iya volya*) movement, with a civil claim for 1,169, 802 rubles for ruining the exhibits. During the investigation

Esipenko was detained and held in custody. The case was closed in September for lack of *corpus delicti*, however the possibility of being subject to a criminal prosecution evidently somewhat cooled the enthusiasm of the warriors against 'blasphemous' concerts, performances and exhibitions. Nevertheless, although they are less active, they have continued to protest about diverse cultural events and have sometimes managed to get them cancelled or censored.

As earlier, rock concerts often became a target for the defenders of religious feelings. In Krasnodar and Ekaterinburg concerts by 'Satanist' groups – the Austrian band Belphegor and the American band Nile – were cancelled at the request of Orthodox believers, and a concert by the band Batiushka was called off in Moscow. Orthodox believers in Ufa protested against a concert by the British band Cradle of Filth.

Not only concerts, but also exhibitions, theatre performances and other cultural events were subject to attacks by the defenders of religious feelings. In Omsk, for example, the regional Department of Culture cancelled a Litseisky theatre performance of *Khorovod* [circle dance, roundelay], a staging by Polish director Peter Shal'sha of Austrian playwright Arthur Schnitzler's *La Ronde*. The head of the Department, explaining his decision, declared that he did not want 'a repeat of *Tannhäuser*'. According to theatre employees, a letter from Omsk eparchy preceded the cancellation of the performance. The reference to the 2015 Novosibirsk saga – when at the request of the Russian Orthodox Church not only was the opera *Tannhäuser* removed from the repertoire but the theatre management was replaced – is anyway telling, testifying to the fact that some bureaucrats have learnt their lesson and are ready to compromise with the defenders of believers' feelings.

Omsk has proved fairly sensitive to the demands of these activists: the *Jesus Christ, Superstar* show by the Petersburg Rock Opera theatre, which should have been put on at the Musical theatre, was cancelled after protests from the Orthodox community. Representatives of the Family, Love, Fatherland (*Sem'ia, Liubov', Otechestvo*) movement demanded that the town authorities call off the performance. Vladimir Legoida, head of the Synodal Department for Church-Society Relations and the Mass Media, subsequently spoke out in defense of the rock opera. The Omsk authorities later declared that unsold tickets were the reason for cancelling the show, not the protests of believers. It seems, however, that the organizers of the protest took the signal from the Patriarchate into consideration: during the Rock Opera theatre's road tour in Krasnodar in January 2017, the chair of the local Orthodox Union (*Pravoslavnyi Soiuz*) Roman Pliuta asked those disturbed by the 'blasphemous' show not to organize protests, so as not to draw unnecessary attention to the performance.

Interestingly, the loudest Orthodox protests in 2016 were in relation to a film not yet on general release – Aleksei Uchitel's *Matilda*, about a romance



between Nicholas II and ballerina Matilda Kshesinskaya. Igor Smykov, head of the Orthodox mission for the restoration of the spiritual values of the Russian people (*Pravoslavnaia missiia po vozrozhdeniiu dukhovnykh tsennostei russkogo naroda*) complained to the Prosecutor General about the film's trailer, on the basis of which he accused the director of slander against the 'tsar-martyr', inciting hatred and offending religious feelings. Ekaterinodar eparchy, which has not blessed its parishioners to watch the film, justified its position with reference to the presence in the film of 'morally doubtful interpretations, and also direct historical and biographical distortions relating to Emperor Nicholas II and the most august family, canonized for brave witness [to the Orthodox faith]'. This saga continued in 2017, when the Christian state – Holy Rus (*Khristianskoe gosudarstvo – Sviataia Rus'*) organization sent a letter to cinema managers requesting that they not screen *Matilda* and threatening to resort to 'radical methods of struggle' should they do so. Natalia Poklonskaia, State Duma deputy and former Prosecutor General of Crimea, joined in with a request to ban the film.

Moreover, as is traditional, Orthodox believers in various regions came out against the celebration of holidays 'alien to traditional Russian values' – Halloween and St Valentine's Day. The congregation of St Petersburg Metropolis, in particular, called for Halloween not to be celebrated. Vyatka lawyer Yaroslav Mikhailov appealed to the prosecutor's office to test the legitimacy of celebrations and to ban this festival on Russian territory altogether. An Orthodox human rights analytical center asked Minister of Education Olga Vasil'eva to address the celebration of Halloween in kindergartens. In Krasnodar, activists from the Orthodox society of Maidenhead (*Pravoslavnoe obshchestvo 'Gimena'*) indicated their opposition to the celebration of St Valentine's day by hanging a banner, which declared 'You kiss her, and Judas kisses us all', from the Bridge of Kisses.

In the struggle with unwanted cultural events, warriors against 'blasphemous' productions and performances often cited not only offense to feelings but also invoked other threats to the safety of society and, in the majority of cases, this tactic worked. Thus the Lumière Brothers Center for Photography in Moscow closed the 'Without Embarrassment' exhibition of American photographer Jock Sturges, which had evoked the displeasure of Senator Mizulina, the children's ombudsman Anna Kuznetsova and Orthodox activists who deemed the exhibition paedophilic propaganda.

In Novosibirsk representatives of the Russian Orthodox Church managed to cancel an adventure game 'Dante's Hell', based on the *Divine Comedy* by Dante Alighieri, adjacent to the crematorium of the Museum of World Funeral Culture, having complained to the prosecutor's office about 'The desecration of burial places' (Article 244 of the Criminal Code).

Also in Novosibirsk, a court ruled that the organizer of concerts of the band Leningrad be fined 40,000 rubles. It is notable that during the concert the police did not record any breaches of order, however after the concert Yury Zadoia, director of the Novosibirsk section of the People's Assembly (*Narodnyi sobor*), complained to the Ministry of Culture department for the Siberian federal district about obscene language heard at the concert.

It was not only Orthodox believers who complained about offended feelings. The Muslim community was disturbed by a clip of the singer Rezeda Ganiulina, in which she had herself filmed in the grounds of Bolgar's White Mosque in translucent clothing. The investigative committee for Tatarstan promised to look in to possible offense to religious feelings, but the case managed to end peacefully: the singer deleted the video clip from social media and apologized to those who found it offensive.

A resident of Ulan-Ude, Valeria Sanzhieva, managed to organize a campaign against 'Buddha bars' in various regions of the country, demanding that the name of Buddha not be used in the names of entertainment venues, and attributes of Buddhism not be used in the venues themselves. In November, the Buddha Bar in Krasnoiarsk was fined 30,000 rubles for offending the feelings of Buddhists in Kalmykia, Tuva and Buratia. Moreover, the leisure establishment was ordered by the prosecutor's office to change its name and remove an image of the Buddha from the interior. In Kemerovo region, the prosecutor's office also deemed that dancing and drinking spirits in front of a statue of the Buddha could be offensive to Buddhists, and that setting up a statue of the Buddha in an establishment open to the public infringes both the law on advertising and the Constitution.

Far from all complaints by the zealous defenders of religious feelings evoked the desired response. Moreover, in a number of cases the bureaucrats responsible for staging cultural events that provoked indignation clearly articulated a position contrary to that of the warriors against 'blasphemy'. Take, for example, Archpriest Evgeny Sokolov, head of the missionary department of Arkhangelsk eparchy, who was disturbed by the 'Line of Love: eroticism in the works of the great masters of the twentieth century', an exhibition which opened in the town's Museum of fine arts on the first day of Lent, and threatened its organizers with 'severe punishment' at the Last Judgement. The region's Minister for Culture, Veronica Yanichek, reminded him of the constitutional right to access cultural treasures and the exhibition continued.

Anatoly Lokot, the mayor of Novosibirsk, despite demands by groups of Orthodox activists, refused to cancel the first of May 'Monstration' (*Monstratsiia* [literally 'monstrance', but a play on the word 'demonstration']). 'Our aim is

*to ensure that all – in accordance with the Constitution – are treated equally*’ declared the Mayor.

We note that it was not only bureaucrats who attempted to oppose the defenders of religious rights, but also civil society representatives. In Novosibirsk, where – the *Tannhäuser* saga aside – Orthodox activists have disrupted concerts and performances more than once, some individuals have organized one person pickets calling for the authorities to stop supporting Yury Zadoia. Zadoia, chair of the Novosibirsk branch of the People’s Assembly, an Orthodox grassroots movement, has more than once organized actions to defend the feelings of believers.

### **Preferential treatment accorded certain religious organizations by the authorities**

As in earlier years, from time to time the authorities provided certain religious organizations with financial support. Money was allocated from federal and regional budgets primarily for the restoration and maintenance of religious structures, the majority of which are culturally significant architectural monuments. Funds were earmarked for these aims in Moscow, Petersburg, Kazan, Maykop, Novgorod, and Vologda Region in particular. One of the most significant tranches was the 314.5 million rubles allocated for fire safety and restoration works in more than twenty monasteries and Patriarchal metochions, as part of the Federal Special Purpose Program ‘The culture of Russia 2012–2018’. Furthermore, as we have seen before, the majority of structures for which budget funds are allocated were Orthodox, but Muslim structures were also restored with budgetary funds. The Petersburg authorities allocated 40.6 million rubles for the restoration of the Cathedral Mosque prayer hall in Petersburg, for example.

Besides financing the restoration of churches, budget funds were also allocated to religious organizations for other aims. Presidential grants were awarded to several religious organizations, not only Orthodox ones, and not only for social work but also to aid the internal aims of the organization. Six and a half million rubles were allocated to the Spring (*Krinitisa*) organization, for the creation of a publicly accessible electronic library of significant medieval Russian culture and art books preserved by Old Believers. The inter-regional charitable civil society organization ‘Revival of the shrine of the Gromovsky Old Believer cemetery and medieval Russian culture’ (*Vozrozhdenie sviatyn’ Gromovskogo Staroobriadcheskogo kladbishcha i drevnerusskoi kul’tury*) received six million rubles to prepare senior choristers, choir masters and Sunday school teachers for the Russian Orthodox Old Believer Church.

The St George center for Orthodox youth programs, and the Spiritual Directorate of Muslims of Moscow and the Central region, received four million rubles each. The first was awarded a grant for conducting educational and cultural-educational events aimed at improving interethnic and inter-confessional relations, the second for ‘counteracting pseudo-Islamic radicalism’ on social media. The Russian Association for the Protection of Religious Freedom was allocated four and a half million rubles to prepare a report on religious freedom in Russia *‘to counterbalance the unobjective reports of the US State Department and foreign NGOs’*. Two Russian Orthodox parishes won grants to conduct social work: the Chelyabinsk parish ‘Assuage my sorrows’ (*Utoli moia pechali*) for helping the homeless, and a village parish of the same name in Tyumen Region for work with the elderly and disabled.

Moreover, the Petersburg authorities allocated 450,000 rubles to educational events for Muslims. These funds were earmarked for the organization of meetings between the parishioners of two city mosques and representatives of the authorities and the law enforcement agencies, lectures on legislation and the struggle with extremism, and a visit to the Museum of the history of religion.

The Bashkirian authorities decided to finance a banquet in honor of the Patriarch’s visit from the republic’s budget: the regional State committee for commerce and consumer rights announced a tender for a banquet for 60 people, at a total cost of 264,000 rubles.

The transfer of property, as before, may be viewed as a form of support to religious organizations – primarily to the Russian Orthodox Church, although property was also transferred to other organizations. The Rostov on Don administration, for example, announced the transfer of the former Choral Synagogue building, occupied by a dermatological and venereal clinic, to the Federation of Jewish communities (*Federatsia evreiskikh obshchin*). A new building will be constructed for the medical institution, and a building plot has already been allocated for this. The Congress of Jewish religious communities and organizations in Russia (*Kongress evreiskikh religioznykh organizatsii i obedinenii v Rossii*) was given the synagogue building in Orel. New premises will be built for the road transport technical college which had been based there.

As in 2015, there were few cases of property restitution, and they generally did not prove contentious. In cases where the buildings being transferred were occupied by other organizations, they were given other premises. This happened, for example, in the case of the Sukhotinsk Mother of God of the Sign convent (*Bogoroitse-Znamenskii Sukhotinskii monastyr’*) complex, which had housed a neuropsychiatric residential care facility and was transferred to Tambov eparchy, and in the cases enumerated above.

There were exceptions, however. The residents of Rostov on Don protested the decision to transfer ownership of the building of the children's puppet theatre to the local eparchy of the Russian Orthodox Church. The church building which had been located on the site of the theatre belonged to a Greek community; another building site had been allocated for its restoration already at the beginning of the 2000s, and the church is already almost completely built, but the eparchy began to lay claim to the theatre building too. At the beginning of 2017 it became clear that, despite local opinion, the authorities were considering relocating the theatre to the outskirts of the city. Meanwhile the inhabitants of Sarov, Nizhny Novgorod Region, protested the transfer of the premises of a children's polyclinic to Diveevo convent.

Not all religious organizations received the property that they wanted. After three years of fruitless efforts to reclaim the Peter and Paul church (*khram Petra i Pavla*) in Miliutinsky pereulok, Moscow Catholics resorted to the courts. At the time of writing, the judicial process is continuing. The Smolensk authorities decided to open a filial of the Moscow State Academic Philharmonic in the former Catholic church, despite the fact that the Catholic community has been seeking the return of the building since 1991.

The Russian Orthodox Church occasionally encounters problems too. The Ministry of Property Relations for Omsk Region refused to transfer ownership of the grounds and building of the diocesan Cathedral of the Russian New Martyrs and Confessors to Isil'skul'sky eparchy. The refusal was based on the fact that the territory of the requested plot is significantly larger than the building's footprint, and in such cases – in accordance with the Land Code, the claimant must justify the need for exactly that amount of territory. The eparchy is unable to do so, and it is impossible to transfer the church without the land.

Relations remain strained over museum buildings claimed by religious organizations, primarily the Russian Orthodox Church. The number of controversial situations fell, but this is probably explained by the fact that museum workers – convinced in previous years that in most cases the authorities are prepared to sacrifice the interests of cultural institutions for the sake of religious organizations – prefer not to enter into direct conflict, for fear of greater losses.

The Vladimir-Suzdal museum reserve, for example, which has for many years opposed the transfer of the Cathedral of St George (*Georgievskii sobor*) in Gus-Khrustalny to the Russian Orthodox Church, announced that it would now allow the transfer. In the words of Igor Konyshov, the museum's general director, the cathedral building – which houses a museum of crystal – is not suitable for displaying the largest collection of crystal in Russia, and the museum

is requesting other premises more appropriate for today's needs. No final decision about the transfer has yet been taken.

Vologda eparchy was given two museum buildings in Ustiuzhna – the Nativity of the Most Holy Mother of God cathedral (*sobor Rozhdestva Presviatoi Bogoroditsy*) and the Annunciation church (*Blagoveshchenskii khram*). Both churches housed Ustiuzhna local history museum exhibits, although liturgies are held there on significant Orthodox feast days. Although new premises for the museum exhibits have not yet been found, the transfer has already taken place.

The desire of the Russian Orthodox Church for certain famous buildings has resulted in several conflicts. Orenburg eparchy demanded that the former seminary building on Cheliuskintsev Street be transferred to it. Since the 1990s the eparchy has shared the building with the Cadet corps and a Museum of Aviation and Cosmonautics, but now it is insisting that the whole building be handed over to it. A new building offered to the museum by the authorities was unsuitable, and the museum has no other premises.

Moscow eparchy announced its claim on Averky Kirillov's chambers, a seventeenth century private residence which had, until recently, housed the Russian Institute of Cultural Studies. The proposed transfer was opposed by academic circles, and appeals were made to the Patriarch to abandon the idea.

Conflict over the State museum of St Isaac's cathedral in Petersburg, claimed by the St Petersburg Metropolitanate, continued to grow. Turned down in 2015, supporters of the transfer attempted to contest the refusal in the courts and appealed to Dmitry Medvedev for assistance in the matter. The situation took a turn for the worse at the start of 2017, when the possibility of St Isaac's transfer evoked large-scale public protests and court proceedings.

Nevertheless, we know of several cases where museums managed to defend their interests in conflicts with religious organizations. Thus, Starocherkassky historical architectural museum reserve employees managed to contest a decision to transfer the building of the Ataman's Palace to Donskoy Metropolitanate in the courts. The court of arbitration, and following it the Rostov Region 15<sup>th</sup> Court of appeal, found the Ministry of Property for Rostov Region's resolution to transfer the building to be illegal, and left the Ataman's Palace under museum supervision.

The Federal Agency for State Property Management (*Rosimushchestvo*) dismissed the Russian Orthodox Church's claim to ownership of the Nikolsky Edinoverie Church, which houses the Museum of the Arctic and Antarctic. *Rosimushchestvo* had earlier rejected a claim to this church from the Edinoverie community, and now the St Petersburg eparchy has tried, unsuccessfully, to secure the building.

Muslims of Stavropol did not manage to gain ownership of the former building of a mosque in which the G. N. Prozritelev and G. K. Prave Stavropol state

historical-culture and natural-landscape museum-reserve is housed. However, this given case is less about protecting the interests of the museum than about bureaucrats' concerns that local inhabitants will be unhappy at having a functioning mosque as a neighbor.

We note other types of patronage too. In an already established tradition, the authorities of several regions declare certain religious feasts to be public holidays. Thus 5 July, when Muslims celebrated Uraza Bairam (Eid al-Fitr), and 12 September for Kurban Bairam (Eid al-Adha), were declared non-working days in Adygea, Tatarstan, Bashkortostan, Dagestan and other regions. In Kalmykia the Buddha's birthday, 23 May, was declared a supplementary day off. In a number of regions, in particular Krasnodar, Stavropol, Bryansk and Kemerovo, Radonitsa [when Orthodox Christians commemorate their dead], 10 May, was declared a public holiday.

Motivated by his religious convictions, the Mayor of Pyatigorsk Lev Travnev refused to agree the construction of a crematorium. *'I am a believer, therefore we will not have a cremation'* he declared. The Stavropol television channel, commenting on the situation, announced that the suggestion to build a crematorium *'is at variance not only with the opinion of the municipal authorities, but also with the position of the Orthodox church'*.

In the town of Rasskazovo, Tambov Region, the head of the registry office L. Protasova attempted to dissuade newlyweds from registering their marriage on Easter Saturday, and when she was unsuccessful, declared that the wedding would take place without musical accompaniment since the registry office employees *'are not prepared to sin'* for the sake of this couple. The future spouses complained about the actions of this bureaucrat to the town administration, where they were informed that a conversation had been conducted with her *'about improving civility in the reception of citizens'* and promised that the wedding would be held on the date chosen by the young couple and *'in the presence of all appropriate attributes (musical accompaniments, festive decoration of the hall and so on)'*.

One cannot but note that from time to time the authorities' unfounded support of religious organizations at the expense of others evokes protest. The inhabitants of Omsk, for example, were concerned by the allocation of budget funds for the restoration of the Resurrection Cathedral (*Voskresenskii sobor*). The townspeople demanded that this money be spent on mending roads in the region, on paying wages and supporting socially vulnerable citizens.

Novosibirsk inhabitants appealed to the mayor with a request to forbid road closures during processions of the cross, since this leads to traffic jams and makes

travelling around the city difficult for the majority of the population. Moreover, the authors of the document suggest that throngs of people may result in crushes, threatening the safety of townspeople. The fact that *'Novosibirsk is a secular town and conducting religious cults in the very center frustrates a significant portion of the population'* is highlighted in the address.

## **Discrimination against religious organizations and citizens on the basis of their attitude to religion**

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

In 2016 six religious organizations were liquidated using anti-extremism legislation. Five communities of Jehovah's Witnesses were liquidated as extremist – in Birobidzhan, Belgorod, Orel, Staryi Oskol and Elista.<sup>5</sup> One further organization was liquidated as terrorist: at the request of the Prosecutor General, the Supreme Court of the Russian Federation banned the activities of Aum Shinrikyo on the territory of Russia.<sup>6</sup>

Two organizations were liquidated in Bashkiria. In Ufa a court banned the activities of the Horde (*Orda*) organization, considering that its followers' practice of healing with holy water, prayers and blows of a lash encroaches on the persons and rights of citizens. These same complains served as grounds for banning the Heritage of Ancestors (*Nasledie predkov*) organization on the territory of the republic. We note that, as the courts have already determined more than once, both these organizations are identical to the Ata Zholi or Way of the Ancestors (*Put' predkov*) organization which is banned in Kazakhstan and in various Russian regions, including Bashkiria. Moreover, the Chelyabinsk section of the Horde is included in the Federal List of Extremist Organizations. But the Bashkirian bans were imposed without appeal to anti-extremism legislation.

The Moscow Church of Scientology did not manage to contest the 2015 decision of the Moscow City Court to liquidate it as a religious organization: the Supreme Court upheld this decision in June, and the Constitutional Court would not consider a complaint. In this fashion the Russian

<sup>5</sup> For further detail see: Kravchenko. Op. cit.

<sup>6</sup> Unfortunately, we have no further details of this ban. We also could not find any religious studies scholars who studied Aum Shirikyō in the 2000s, and doubt that any research has been done on this. It is therefore difficult to assess how legitimate this ban is.

legal system finally concluded that Scientology is not a religion, and now it remains to wait for the opinion of the European Court of Human Rights.

## Restriction of missionary activity

There have always been efforts to limit religious preaching in public, but the situation qualitatively changed when, on 20 July, the above-described amendments which regulate missionary activity came into effect. Despite assumptions that these amendments are intended to counteract extremism, above all the spread of radical Islamic tendencies, thus far they have been used only against Protestant organizations and new religious movements hitherto not noted for extremist activity. In 2016, less than half a year into the existence of these amendments, several dozen cases of the imposition of administrative sanctions in accordance with the new version of Article 5.26 of the Administrative Code of the Russian Federation have been observed: as a rule, fines between five and fifty thousand rubles were applied as punishments. The diversity of acts deemed illegal missionary activity by courts over this period, and the absurdity of the charges, support the concerns of the ‘Yarovaya package’ critics that the amendments may be interpreted however one chooses.

Several times fines have been applied to members of unregistered religious groups specifically because they have conducted their activities without documents which confirm their religious membership. Ebenezer Tua, a Ghanaian citizen and leader of the Embassy of Christ (*Posol'stvo Khrista*) group of evangelical Christians (Pentecostals), was fined for this in Tver, for example, and in Orel US citizen Donald Osserwaarde, a Baptist, was fined for leading a Bible study meeting in his home.

In Mari-El, Alexander Yakimov, pastor of the New Generation (*Novoe pokolenie*) Pentecostal church, was accused of illegal missionary work for making an address at a village festival against the backdrop of a banner which declared ‘Happy holiday, my village’ and included the name of the church. A seminar for the alcohol and drug dependent, led by Bishop Sergii Zhuravlev of the Ukrainian Reformed Orthodox Church of Christ the Savior in the premises of the New Hope (*Novaia nadezhda*) Jewish messianic community in Petersburg, was interpreted by the court as an effort to ‘persuade the Jewish community to convert to Orthodoxy’. In both cases the clerics were also fined.

However, the decision taken by the Noiabrsk authorities to shut down a playground for the children of parishioners of an evangelical Christian prayer house seems the most absurd. Inspectors from the prosecutor’s office, the Emergencies Ministry (*MChS*), the town administration and a few more institutions were worried by the fact that parishioners’ children might hear sermons and

prayers, and have access to religious literature, while in the playground. The pastor, Alexei Teleus, was fined for this.

Yet another notable decision was taken in November by the Kirov District Court of Astrakhan, which found the leader of an unregistered community of Astrakhan scientologists guilty of illegal missionary work and fined him for ‘preaching’ the teaching of Ron Hubbard in a marquee near a shopping centre as part of a ‘Volga goodwill tour’. There is a conflict in the fact that, in recognizing the activities of the scientologists to be missionary work, the court in practice recognizes scientology as a religion, while the 2015 decision to liquidate the Moscow Church of Scientology was based on the premise that its activities are not religious.

Finally, one cannot but recall the December ruling of the Leninsky District Magistrates’ Court in Vladivostok, which fined the local Salvation Army 30,000 rubles for not indicating the full name of the religious organization on the literature stored on its premises. The court ordered this improperly labelled literature – which included copies of the Bible in Russian (Synodal translation) and English – to be confiscated and burned. This decision evoked such a public outcry that the district court overturned the part of its ruling which specified burning.

And court proceedings for illegal missionary work were instigated against the Tver community of Krishna devotees twice in October: the first time after a procession of Krishna devotees around the town, and the second one three days before a proposed ‘Mantra-Yoga’ concert, with the organization’s representative having the documents necessary to conduct missionary work.

## Other forms of discrimination

Jehovah’s Witnesses were subject to the most pressure, as they have been for several years running.

Besides the persecution of followers of this organization via anti-extremism legislation, members of the law enforcement agencies continue to regularly detain believers during their preaching ministry. This happened in various regions, including Moscow, St Petersburg, Kabardino-Balkaria, Mordovia, Tatarstan, Udmurtia, and in the regions of Moscow, Leningrad, Belgorod, Vladimir, Volgograd, Ivanovo, Kirov, Nizhny Novgorod, Orenburg, Rostov, Ryazan, Samara and Sverdlovsk. Some of those detained were taken to the station, subjected to body searches, and might have literature taken from them and be forcibly fingerprinted.

Preachers were fined several times under Article 20.2 of the Administrative Code of the Russian Federation (‘Violation of the established order of organiza-

tion or conducting of an assembly, meeting, demonstration, march or picket'). In May, for example, in the Bashkirian town of Uchala, Jehovah's Witness Rustem Nabiullin was fined for standing near a shopping center, at a stall of religious literature, allowing those interested to look at it. The court of the first instance imposed a fine of 15,000 rubles, but the Republic's Supreme Court lowered this to 10,000. Under the same article Zabaikal region's Shilkinsky District Court fined the local organization of Jehovah's Witnesses 20,000 rubles for holding a convention in the events hall of the district culture and leisure center.

The religious buildings and residential properties of Jehovah's Witnesses were regularly subject to searches, which generally involved numerous procedural violations and disruptions of religious services. In particular, searches took place in the regions of Moscow, Leningrad, Samara, Bashkiria, Karachai-Cherkessia, Stavropol, and in the towns of Voronezh, Kislovodsk, Naberezhny Chelny, Novosibirsk, Penza, Petrozavodsk, Petropavlovsk-Kamchatsky (here the security services even broke a window), Saransk, Smolensk, Snezhnogorsk in Murmansk Region, Sochi, Syktyvkar, and Tula.

Moreover, in July Karelian customs detained a consignment of Jehovah's Witnesses literature: around a hundred books and brochures in Russian, Finnish, Arabic and other languages, plus several compact discs with inscriptions in Finnish. The customs service explained the confiscation by the fact that the consignment contained forbidden literature, however publications which were permitted for distribution were also impounded. In relation to the imported literature, administrative proceedings were brought against a Finnish citizen under Article 16.2 Part 1 of the Administrative Code ('Not declaring on the requisite form goods subject to customs declaration')

We note that Sakhalin and Arkhangelsk Regional Dumas called for a Russia-wide ban on the activities of Jehovah's Witnesses. Unfortunately, the Ministry of Justice of the Russian Federation heard their calls and by March 2017 had applied to the Supreme Court of the Russian Federation with a lawsuit to liquidate the Administrative center of the Jehovah's Witnesses in Russia, and there are no grounds to suggest that the court will decline this lawsuit, unfortunately.

Besides Jehovah's Witnesses, representatives of other new religious movements and of Protestant churches were also frequently subject to discrimination.

We know of fewer cases of 'anti-sectarian' rhetoric from bureaucrats than in 2015, but there were some. During a June meeting of the interagency commission of the Khanty-Mansi – Yugra Region for the combating of extremist activity, Maxim Baranov, deputy head of the Tyumen regional department of the FSB and head of the Service for Khanty-Mansi – Yugra region, voiced concern about the activities of Protestant organizations on the region's territory. He connected the 'ideology'

and activities of 'non-traditional' religious organizations with threats to the country's security. Among those organizations active in the region and mentioned as causing concern were the Voice of Faith (*Golos Very*) Church of Christians of the Full Gospel, the Church of Evangelical Christians-Baptists, the Church of Christians of the Evangelical Faith, the Jehovah's Witnesses, the Voice of Truth (*Golos istiny*) Church, the Seventh Day Adventist Church, the Full Gospel Church of the Living God Jesus Christ and the Church of Scientology. The FSB representative was particularly concerned by the dynamic preaching and social activity of these organizations, and also by efforts to evangelize the indigenous peoples of the North.

It goes without saying that the activity of religious organizations was impeded by more means than rhetoric alone. In Zabaikal Region court proceedings were initiated against a pastor of the Salvation (*Spasenie*) Pentecostal Church under Article 20.2 Part 1 of the Administrative Code ('Violation of the established order of organization or conducting of an assembly, meeting, demonstration, march or picket'). The prosecutor's office identified a violation in the fact that in the notification about holding a church-organized 'Festival of Peace and Hope', the aims of the event were not specified. The pastor was issued with a warning about the impermissibility of violating legislation on combating extremist activity, while the acting head of the local administration who had earlier accorded the festival received an order requiring the elimination of the permitted violations of legislation and the bringing of the guilty functionaries to account. The festival itself was ruined. Using this same article, Taganrog City Court fined Igor Gaivoronsky, a member of the local Krishna devotees organization, 10,000 rubles for conducting a religious procession.

We are aware of several cases where religious organizations were held liable for violating the legislation on personal data. In particular, a prosecutorial warning about the impermissibility of violating this law and the Law on Freedom of Conscience was issued to the local religious organization of the Church of Jesus Christ of the Latter Day Saints (Mormons) in Omsk. In Naberezhny Chelny, as part of a case under Article 137 Part 1 of the Criminal Code ('Illegal collection or the dissemination of information about the personal life of an individual, comprising his personal or family secrets, without his consent or the dissemination of this information in a public presentation, publicly displayed production or the mass media') searches of the office of the Church of Scientology and the residential accommodation of its followers were even conducted. In November the case was closed for lack of corpus delicti.

And in Vladivostok a search of the Mormon community was conducted on the basis of an anonymous call, informing that pornographic material was being stored on church premises.

As in previous years, there were many cases of foreign preachers being harassed. The head of the Open Heart charitable foundation and pastor of an evangelical church, Pavel Dudchenko, a citizen of Ukraine who had lived in Russia for more than ten years, was deported from Petersburg. The directorate of the Federal Migration Service refused to issue him with a residence permit and annulled previous permission for temporary residency, citing Dudchenko having allegedly called for violent change to the foundations of the Russian Federation's constitutional system in his sermons.

Six US citizens, followers of the Church of Jesus Christ of the Latter Day Saints (Mormons) were deported from Samara. The court considered the presentation of migration registration according to the address of the religious organization – rather than according to place of residence – to be a violation, although this is not forbidden by law.

The Supreme Court upheld two bans on the entry into Russia introduced in 2015 against Lama Shivalkha Rinpoche and US citizen Shay Billy Fountain, pastor of the Cornerstone (*Kraeugol'nyi kamen'*) Baptist church.

Pentecostals Alexander Whitney and David Kozan, US citizens travelling around Russia together with the underage daughter of one of them, were fined 3000 rubles each in Kaluga: representatives of the law enforcement agencies considered that their tourist visas did not give them the right to participate in services at the local Word of Life (*Slovo Zhizni*) church.

The amendments envisaged in the Yarovaya package, and the 2015 changes to the Law on Freedom of Conscience, which have laid new responsibilities on religious groups, have complicated the position of unregistered religious groups. From all appearances, the very existence of religious associations in such form may soon become a reason for persecution. At any rate, there were already such instances in 2016. In Chernyshevsky district, Zabaikal Region, the prosecutor's office instigated proceedings in relation to the leader of a religious group of evangelical Christian-Baptists, under Article 19.7 of the Administrative Code of the Russian Federation ('Failure to present information'), because the group had not notified the Ministry of Justice about the start of their activities. And in Voronezh the activities of the Association of Voronezh Region Churches of Evangelical Christian-Baptists (*Obedineniia tserkvei evangel'skikh khristian-baptistov Voronezhskoi oblasti*) were halted for lack of registration.

Muslims also experienced pressure. As before, there were not infrequent instances of police arbitrariness towards them. Employees of law enforcement agencies periodically held large-scale checks at mosques, during which believers might be detained, taken to the station, photographed and fingerprinted. Such

checks were conducted in Elista, Saransk, and several other towns. In Moscow 13 girls in Muslim headscarves, who were working in a shop selling Muslim clothes, were detained.

Several instances of discrimination against Muslim women wearing headscarves were recorded. In July, for example, security guards at the Moscow State Institute of International Relations refused to allow a prospective student in a Muslim headscarf to enter the Institute, and in Tambov a schoolgirl in a headscarf was not allowed into the school building. The girl was transferred to home schooling.

At the end of the year the conflict in the village of Beloz'er'e in Mordovia, mentioned in previous reports, took a turn for the worse. The management of the village school introduced new rules for internal discipline, imposing sanctions for wearing religious clothing within the walls of the school. Before this the school had been visited by a commission of representatives from the Ministry of Education and the local administration, accompanied by police, suggesting to Muslim teachers that they remove their scarves or face expulsion. In January 2017 teachers resorted to the courts with a complaint against the management's actions.

In a string of cases, believers and religious organizations managed to protect themselves from discrimination.

Several of those accused of illegal missionary activity managed to defend their rights, including through the courts. In Cherkessk a case against the Krishna devotee Vadim Sibirev, accused under Article 5.26 of the Administrative Code for giving religious literature to two passers-by, was dropped. The court did not discern a corpus delicti in his actions.

Activists of the 'Orthodox human rights analytical center' secured the detention of several believers of various Protestant denominations who had been giving out New Testaments on Moscow region suburban trains (*elektrichki*), and attempted to initiate legal proceedings against them under Article 213 of the Criminal Code ('Hooliganism') and Article 5.26 Part 4 of the Administrative Code. However, the Lineinoe department of the Ministry of Internal Affairs of the Russian Federation refused to initiate proceedings, not seeing anything illegal in the actions of the believers.

Orenburg region's Novosergievsky District Court acquitted Alexander Demkin, pastor of a Baptist church in the village of Suzanovo, accused under Article 20.2 Part 2 of the Administrative Code for holding a children's party in the yard of the prayer house.

Magadan City Court closed a case against Krishna devotees Vladimir Gerasimenko and Oleg Kim, who were accused under Part 5 of this same article for

participation in a prayer meeting without presenting the relevant notification. That said, the organizer of this event, Nikolai Kriukov, was nevertheless found guilty by the very same court.

In November in Kaliningrad four administrative cases – brought in connection with ‘illegal missionary work’ by Jehovah’s Witnesses – were dismissed for lack of *corpus delicti*. Moreover the court stressed that *‘the law “On freedom of conscience” does not contain a ban on the sharing of personal religious experience and conversation on religious topics’* and resolved that *‘the activity of believers who simply wanted to realise their right to disseminate their religious views, does not contain the sum total of characteristics of missionary activity’*.

Vyborg district court satisfied the claim of the Gideon Association of Evangelical Christians against Vyborg customs, who had confiscated a large contingent of New Testaments and Psalters at the Finnish border and had demanded that expert examination be conducted on the impounded books in order to determine whether they were extremist. The court found the actions of the customs illegal, but by then the books had languished at customs for many months, been damaged and had already been returned to Finland.

## Insufficient protection against defamation and attacks

The level of religiously motivated violence remains more or less as it was in 2015: we know of no less than 21 victims compared to 23 the year earlier.

The majority of victims, as in 2015, were Jehovah’s Witnesses, who were attacked most often while going door to door as part of their missionary service. Such attacks were recorded, in particular, in Moscow, St. Petersburg, Rostov on Don, Chita, Kopeysk in Chelyabinsk region, the village of Stepanitsevo in Vladimir region, Volodarsky village in Orenburg region. Such attacks generally resulted in minor injuries, but occasionally believers suffered more serious wounds. A 76-year-old Chita resident, for example, beaten up during her street service by a resident from a neighbouring block, was hospitalised with a broken hip.

Moreover, in Alexandrov, Vladimir region two knife-wielding hooligans attacked Evangelical Christians (Pentecostals) from the Emmanuel church. One of the parishioners was so wounded he required treatment in Casualty, another was threatened with a knife. The attackers also shouted that they ‘are indigenously Orthodox’ and bound ‘to exterminate all sectarians’, insulted the believers, made them stand with raised hands and shouted fascist greetings.

In comparison with 2015, the number of acts of religiously-motivated vandalism also declined marginally, no less than 30 compared with 33. The largest group of targeted objects were Orthodox – ten (nine in 2015), five of which were

monumental crosses. One of the toppled crosses, in the village of Berdovka, Kemerovo region, had already suffered at the hands of vandals a year earlier. In two cases, Orthodox targets were set on fire. One of these cases, the arson attack on the Winter Hotel building on Valaam, may be the consequence of a conflict between the local inhabitants and the monastery, which has evicted residents from this building in order to use it as a hotel for pilgrims.

Jehovah’s Witness targets make up the second largest group, with nine instances (11 in 2015). They were often the targets of dangerous vandalism: apart from arson in the town of Roshchino, Primorsky region, the hurling of an improvised explosive device (also in Primorsky region, in the town of Artem) and shooting at a Kingdom Hall in the town of Khor, Khabarovsk region, were recorded. Moreover, in Zeleznokumsk, Stavropol region, unknown individuals broke the windows of a building during a religious service. No believers were injured in any of these instances.

The number of Jewish targets of vandalism remained the same as in the previous year – five, one of which was arson (the synagogue under construction in Arkhangelsk, which was shot at in 2015). One further target had been attacked before: the Jewish cemetery in Litovsky val in Kaliningrad, where xenophobic slogans were discovered, was the target of vandals in 2007 and 2008.

We know of fewer cases of vandalism against Muslim targets than in 2015 – four in contrast to seven. Two incidents happened in Crimea and Sevastopol. The Ivanovo mosque, on which vandals daubed Nazi graffiti, has also been subject to attack more than once.

In addition, two Buddhist targets were subject to vandalism: in Elista a sportsman arriving for a competition kicked a statue of the Buddha and urinated on it, and – as mentioned above – was subsequently convicted under two articles of the Criminal Code, and in Petersburg vandals scrawled obscene and xenophobic slogans on the fence of a Datsan.

Federal and regional mass media continued to periodically publish defamatory materials about religious organizations. Most such publications, as before, were directed against new religious movements and Protestant churches, and transmitted popular theories about the danger of ‘sectarians’. In October, for example, the Astrakhan regional edition of the news programme *Vesti* aired a story timed to coincide with the Volga Good Will Tour organized by the Church of Scientology, entitled ‘Landing of the Scientologists’, in which offensive statements were made against the followers of this organization. In the ‘Patrol service’ programme, broadcast by the Tver regional television channel ‘Tverskoi prospekt’, a story dedicated to the local organization of the Society of Krishna Consciousness was aired in which an employee of Tver State University theology department accused Krishna devotees of fraud.



Some television channels occasionally show repeats of the popular ‘anti-sectarian’ film *Fishers of Souls (Lovtsy dush)*, overflowing with insulting statements and diverse unfounded accusations aimed at the followers of many religious organizations. The Kaluga region Nika television channel accompanied a showing of the film – made several years ago – with a studio discussion in which the participants repeated many of the statements heard in the film.

The authors of such material, as before, engage Alexander Dvorkin – the main Russian warrior against sects – or his followers, as experts. The newspaper *Izvestiia* published an entire, substantial interview with him about the need for an ‘anti-sectarian’ law. Moreover, the interview was not accompanied by editorial comment, nor by comment from any religious studies scholar.

Believers usually express their opposition to such material, but have not yet managed to reduce the quantity of it. The Russian Union of Evangelical Christians-Baptists evaluated federal reportage on the Fifth Channel, ‘Agents in Cassocks’ (*Agenty v riasakh*), in which deported Pastor Shay Billy Fountain was accused of spying for the USA, as ‘*incitement to interreligious discord, the discrediting of a famous Russian Evangelical confession, sowing mistrust and suspicion in society*’.

The Church of Jesus Christ of the Latter Day Saints (Mormons) also had cause to complain to same television channel. This church detected further incorrect material about itself in various publications and appealed to journalists to check their material more carefully, enumerating the most popular clichés used by journalists when mentioning Mormons and explaining why they do not reflect reality.

Interestingly, the Voronezh edition of *Komsomolskaia Pravda* significantly pre-empted the Ministry of Justice with a lawsuit for the liquidation of the Administrative center of the Jehovah’s Witnesses, ‘banning’ this religious organization across the whole of Russia way back in August. In conversation with readers who had pointed out this mistake, the journalist cited a certain list of religious organizations, released by a holding company to its filial agencies, where this organization had featured precisely as banned. After this, however, the journalist corrected the article, removing mention of the Jehovah’s Witnesses entirely.

We know of far fewer anti-Muslim publications. Where such material did appear, Muslims also attempted to respond to it. The internet publication RusFact.com was required to refute the news they published – to the dismay of Muslims – about the arrest of ISIS recruiters in a mosque, illustrated with a photograph of the Moscow Cathedral Mosque. Editorial staff apologized to Muslims and explained that the depicted mosque had no relation to this event.

Naturally, influenced by similar publications a certain sector of society is prepared to come out against ‘dangerous’ religious organizations. In several

regions there were ‘anti-sectarian’ actions – directed primarily against Jehovah’s Witnesses – albeit poorly attended. One of the largest, attended by around 50 people – was the March meeting in front of the Kingdom Hall in Arkhangelsk. Participants, who demanded the banning of the organization, held posters declaring ‘Suitcase – Train Station – Brooklyn’, ‘Pomorje is a territory without sects’, ‘In Taganrog, Rostov, Moscow, Belgorod, Samara they’ve banned the JW’s. What’s wrong with Arkhangelsk?’, ‘Don’t give up your life to a sect’, ‘The Biblical God is Love, the god of the Jehovah’s Witnesses brings death’, ‘No to religious extremism in Arkhangelsk region’. The action was reflected in an ‘anti-sectarian’ story on the regional channel news program *Events of the Week (Vesti. Sobytiia nedeli)*.

The above-mentioned attack on the elderly woman in Chita was also preceded by a protest campaign against Jehovah’s Witnesses.

In April, employees of the Information-Apologetics center of Kemerovo eparchy called on residents of Kuzbass to ignore the ‘Easter ribbon’ campaign, conducted by Protestant churches across the whole of Russia for several years now, as ‘pseudo-Christian’. Representatives of the eparchy maintained that, in this fashion, the campaign organizers ‘*will attempt to lure people to their gathering, ask them for a ‘donation’, and also disseminate sectarian information disguised as sermons about Christ.*’

*Maria Kravchenko*

## **Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2016**

### **Summary**

Russian anti-extremist legislation conquered new frontiers in 2016 expanding the state control over the realm of information, public activity and religious life of the citizens. New laws that comprised the infamous “Yarovaya’s Package” represented a significant milestone on this path and sparked a spirited discussion in the society. Meanwhile, a number of law enforcement problems became so noticeable that the Supreme Court of Russia made an attempt to clarify the interpretation of some legislative provisions prone to misuse in court judgments.

In general, in 2016, the pattern of misuse of the legislation to counteract extremism and terrorism showed no drastic changes, however, we can point out some trends, based on our monitoring data.

In the current political situation in Russia, independent public activity takes place primarily online, so the Internet has been attracting increasing attention of the law enforcement, and the vast majority of prosecutions for making relatively public statements pertain to activity of citizens on social networks. Notably, statements, critical of Russian policies in connection with the conflict in Ukraine and the annexation of Crimea, continue to elicit a particularly strong official reaction. However, law enforcement agencies also react unfavorably to other discussions that touch upon the issue of Russia’s territorial integrity. The agencies strive to follow instructions from above, which order them to struggle for tolerance and counteract manifestations of extremism, and, since the quantitative indicators clearly play a leading role in the assessment of their activities, the number of sentences under Article 282 of the Criminal Code for the incitement of hatred online has been growing steadily from year to year. The issue of appropriateness, with regard to using this Criminal Code article, has been resolved by courts without much hesitation. The number of unreasonable prosecutions under this article also shows no signs of decrease. The activity of law enforcement agencies on the Internet is also evident from the constantly

increasing number of blocked websites, and a growing percentage of online materials on the Federal List of Extremist Materials.

While recommendations to member states to abolish the blasphemy laws are heard in the UN, Russian prosecutors increasingly initiate criminal cases under Article 148 of the Criminal Code for insulting the feelings of believers, thus creating tension between the secular society and the adherents of religious organizations (primarily the ROC) that enjoy state support and protection.

At the same time, religious organizations and trends not classified by the authorities as “traditional” for Russia, that is, the very religious minorities presumably in need of protection, have been increasingly subjected to government pressure. Jehovah’s Witnesses, whose organizations are being banned for extremism one after another, face the danger of being forced underground.

A legitimate aim of confronting radical Islamism generates abuses as well. We would like to bring to your attention the increase in repressions against members of Hizb ut-Tahrir party, recognized as terrorist in Russia despite the fact that it does not practice violence. The number of criminal cases involving Hizb ut-Tahrir has doubled, and prison sentences are approaching 20 years.

The introduction of new repressive laws and the continuous proliferation of law enforcement practices that bear no correlation to actual public danger of the offending acts continue to undermine trust in public security measures and generally introduce a destructive note into the relationship between the society and the state.

### **Creation of Regulatory Acts**

The package of anti-terrorist laws, known as “Yarovaya’s Package,” submitted to the Duma in early April 2016, became the most significant legislative innovation of 2016. The initiative introduced by Deputy Irina Yarovaya and Senator Victor Ozerov caused a heated discussion, which resulted in removal of several proposals from the legislative package under public pressure. The Deputies decided against dropping all forms of punishment other than imprisonment from the Criminal Code articles related to extremist crimes. They also rejected the proposed introduction of a new Criminal Code article on providing support to an extremist activity, the restrictions on leaving the country for those previously convicted under terrorist and extremist articles. Another rejected proposal suggested loss of citizenship for dual citizens convicted for crimes of terrorist or extremist nature, or serving in the army or law enforcement agencies of another state without prior authorization, or working in international structures that do not include Russia.

Nevertheless, the package as a whole was adopted and signed by the president on July 7, 2016. It launched the mechanisms that directly invaded the areas of freedom of speech and of protection of privacy and other rights and freedoms of citizens. The part of the package, related to control over the Internet caused a particularly strong resonance. The amendments require all communication providers to store information on the fact of communication between people for one year, and the actual content of calls and correspondence for up to six months (this part will only enter into force in the summer of 2018). The amendments further demand that “the organizers of information dissemination on the Internet” provide the FSB with keys to decrypt their users’ correspondence or be subject to a fine, and that providers terminate contracts with subscribers upon request of law enforcement agencies, unless the user’s identity is confirmed within 15 days (in case of anonymous SIM-cards).

Another important part of the package substantially restricts missionary work and has been applied most actively, starting in 2016; dozens of people faced administrative responsibility (SOVA Center covers this subject in greater detail in its 2016 report on the problems of exercising freedom of conscience in Russia). The amendments, essentially, make it possible to issue a fine for any religious statement not authorized in writing by an officially registered religious association. This section of the package was supposedly intended against the Salafi preaching, but the wording has been taken from the old “anti-cult movement,” so that the Protestants, the Hare Krishnas, etc. became its first victims.

Yarovaya’s Package significantly increased penalties for crimes of terrorist or extremist nature, as well as for organizing illegal migration. The age of criminal responsibility for a number of crimes (mainly of terrorist nature) was lowered. The Criminal Code came to include such questionable offenses as failing to report a terrorism-related crime or encouraging organization of mass disorders. From our point of view, prior law enforcement practice indicated no need for all these innovations, so there is little reason to think that they would be useful in fighting real threats; on the other hand, new abuses under the aegis of combating radicalism are already evident, and we can expect more of them.<sup>1</sup>

The bill “On the Basics of the Prevention of Offenses in the Russian Federation” was signed into law on June 23, 2016. The authorities of different levels and law enforcement agencies have been entrusted with such prevention; however, according to the law, citizens, public associations and other organiza-

<sup>1</sup> Additional details on the content and history of the adoption of the law can be found on our website: Putin signed the “Ozerov-Yarovaya package” // SOVA Center. 2016. 7 July (<http://www.sova-center.ru/misuse/news/lawmaking/2016/07/d34993/>).

tions legally possessing such rights, can participate in it. Prevention should be conducted in a number of areas, including fight against terrorism and extremist activities. In essence, the law merely sums up the established practices, but it has aroused certain suspicions by introducing (or reintroducing) vague expressions such as “antisocial behavior,” “educational influence,” and “a person intending to commit a crime” into the legal terminology. Preventive monitoring or participation of various kinds of social groups in crime prevention are not objectionable in and of themselves, but there is reason to fear that law enforcement agencies could interpret this law as a signal to an “excessively intensive” prevention campaign that would violate the rights of citizens (privacy, freedom of speech, religion, movement, etc.), as it happens, for example, in Dagestan. In addition, all kinds of citizens’ registries, aimed at prevention, have a tendency to transform in our system from preventive to repressive tools, as happened in the 2000s with the Watchdog [*Storozhevoy control*] system, and later with the Rosfinmonitoring Registry.

On June 17, 2016, the government introduced to the State Duma a bill, which was then signed by the president on February 22, 2017. The Code of Administrative Offences was amended to increase responsibility of Internet providers for failure to fulfill their obligations and block webpages on the basis of information received from Roskomnadzor. Article 13.34 establishes the responsibility in the form of a fine: three to five thousand rubles for public officials, from 10 to 30 thousand for individual entrepreneurs, and 50 to 100 thousand rubles for legal entities for failure to fulfill obligations to block and unblock websites. Notably, a window of one day, provided by the law for compliance, is a condition that can be easily satisfied by large providers, while small ones might find it technically difficult to track changes in the Unified Registry and respond to them on such a short notice. Adoption of this law is logically consistent with the preceding government measures to combat the spread of illicit materials online and will lead to new law enforcement “misuses.” The previously introduced mechanisms for adding materials to the Unified Registry of Banned Websites deserves considerable criticism, and we view extra-judicial blocking of websites under “Lugovoy’s Law” as inappropriate.

On June 24, 2016, the president signed the law regulating the activity of online news aggregators in Russia. News aggregators with an audience of more than a million people a day now can only be owned by Russian nationals or legal entities and are somehow obligated to prevent “*dissemination of materials containing public calls for terrorist activities or publicly justifying terrorism, or other extremist materials,*” as well as materials “*of defamatory intent against a*

*citizen or certain categories of citizens on the basis of sex, age, race or ethnicity, language, attitude toward religion, occupation, place of residence or work, or in connection with their political beliefs.*” This means that aggregators must delete news on a substantiated request from Roskomnadzor, and the refusal to comply entails responsibility under new Article 19.7.10-1 of the Administrative Code. A fine of up to one million rubles has been suggested for legal entities, increasing up to three million for a repeated violation. At the same time, aggregators are exempt from sanctions for the word-for-word distribution of materials, if these materials come from the sources registered as mass media – obviously, this clarification was made in order to encourage aggregators not to accumulate any other news sources. This law resulted in one tangible development in 2016 – news.yandex.ru has stopped publishing stories from unregistered media sites on its front page.

We should also note that several bills of questionable content were rejected by the Duma in 2016. They included a draft bill, proposed by the Chechen parliament, seeking to ban the media from mentioning ethnic or religious affiliation of terrorists; the initiative of the Communist Party of the Russian Federation calling for criminal responsibility for insulting feelings of veterans, the proposal of several members of the Federation Council to criminalize deliberate alteration of the Russian anthem, as well as the bill by Senator Viktor Ozerov suggesting that Prosecutors general of the constituent entities of the Federation be vested with the authority to issue requests for blocking websites under Lugovoy’s law (currently, only the Prosecutor General’s Office of the Russian Federation has this mandate).

In March 2016, the Prosecutor General’s Office issued an order providing a new procedure of banning materials for extremism. In accordance with it, the city and district-level prosecutor’s offices and the military and specialized prosecutor’s offices of equal status lost their right to file such lawsuits in courts. This right has been transferred to the prosecutor’s offices of the Russian Federation constituents and to the military and specialized prosecutor’s offices of equal status, albeit with the use of information coming from the lower-level prosecutors. Moreover, under the order, prior to court filing, the prosecutor’s offices of the Federation’s constituents are required to coordinate their prepared cases with the Department of the Prosecutor General’s Office for supervision of enforcement of the laws on federal security, interethnic relations, countering extremism and terrorism (military prosecutors must coordinate their lawsuits with the Chief Military Prosecutor’s Office). The order also contained a call to refrain from actions that could provoke adverse social consequences, and, in

particular, take into account the law prohibiting recognition of the scriptures of the world religions and quotations from them as extremist. The order was clearly aimed at reducing the volume of new bans, and our preliminary analysis of the Federal List of Extremist Materials shows that this effect has been achieved to some extent, but not fully, since the earlier practice of filing claims at the district level has not been completely terminated.

On November 3, 2016, the plenary meeting of the Supreme Court of the Russian Federation adopted a new resolution on the use of anti-terrorist and anti-extremist articles of the Criminal Code (“On Amending the decisions of Resolution No. 1 of the plenary meeting of the Supreme Court of the Russian Federation “On Certain Issues of Judicial Practice in Criminal Cases Regarding Crimes of Terror” of February 9, 2012 and Resolution No. 11 of the plenary meeting of the Supreme Court of the Russian Federation “Concerning Judicial Practice in Criminal Cases Regarding Crimes of Extremism,” of June 28, 2011).<sup>2</sup> The resolution contained clarifications on a number of issues faced by Russian courts in their application of legislative norms aimed at combating extremism and terrorism.<sup>3</sup> The courts now have to base their decisions under the relevant Criminal Code articles on these clarifications.

Among other issues, the Supreme Court drew attention to the fact that, when applying Article 280<sup>1</sup> of the Criminal Code (public calls for actions aimed at violating the territorial integrity of the Russian Federation), one should distinguish such calls from incitement to crimes aimed at violating the territorial integrity of the Russian Federation, since “*calls should not be aimed at inducing specific individuals to commit particular criminal acts.*” Thus, from the point of view of the Supreme Court, a rather severe “anti-separatist” article of the Criminal Code should be applied precisely in the cases when an offender made no calls for illegal actions in order to achieve the goal.

An important clarification pertained to evaluating online publications: “*When deciding on the nature of actions of an individual, who posted any information or expressed their attitude toward it on the Internet or other information and telecommunications networks, as aimed at incitement of hatred or enmity, as well as humiliation of dignity of a person or group of persons, the decision should be based on the totality of all the circumstances of the deed*”

<sup>2</sup> Resolution of the Plenary Meeting of the Supreme Court of the Russian Federation No. 41 on issues of judicial practice in criminal cases of terrorist and extremist nature // SOVA Center. 2016. 28 November (<http://www.sova-center.ru/racism-xenophobia/docs/2016/11/d35905/>).

<sup>3</sup> SOVA Center Comments on the Resolution of the Plenary Meeting of the Supreme Court on extremist and terrorist crimes // SOVA Center. 2016. 3 November (<http://www.sova-center.ru/misuse/publications/2016/11/d35761/>).

and, in particular, take into account the context, form and content of the posted information, the existence and content of comments or other expressions of their attitude towards it.” The Supreme Court’s comment is more than relevant, but there is a clear need for more detailed explanations, as to what kind of context should be taken into account (it should be both the historical context and the circumstances, in which the utterance was made), how exactly comments of the information-sharer and other users (the latter can’t be imputed to the original poster per se, but demonstrate the understanding of his/her statement by the audience), what is meant by “form” of a statement (for example, the court must learn to recognize the cases when the statement was ironic). In addition, it is necessary to take into account the quantitative and qualitative composition of the real target group of a given statement and the authority of its author within this group. This clarification about re-posting has had little practical impact until now, but it was unexpectedly used in March 2017 as an argument in the retrial of the notorious Yevgeniya Chudnovets case, unrelated to extremism; there is a hope that this case could become a precedent.

The following thesis of the Supreme Court regarding extremist propaganda and calls for terrorism also merits attention – in case of public calls via mass message campaigns via mobile communication networks or the Internet, the crime should be considered completed “*from the moment when calls are placed on these public networks (for example, on websites, forums or blogs), or sending messages to other persons.*” Until now, law enforcement agencies based their decisions on an assumption that a crime was still in progress for as long as the material in question remained online, even if this publication had been there for several years, and both the publisher and his readers have long forgotten about its existence. If this Supreme Court explanation becomes widely used, it will change the approach to determining the statute of limitations in the cases of people brought to criminal responsibility over their online statements.

## Principal Targets of Persecution

### Ideological Opponents of the Authorities

#### The “Ukrainian Question”

The Russian authorities continue to use anti-extremist legislation against actions and statements related to the crisis in Ukraine. The specifics of the situation are not being taken into account. Anti-extremist legislation was written for use in peacetime – it is not adequate to the situation of military operations and does not take into account the intensity of emotion in the Russian society,

painfully sensitive to the conflict with Ukraine, to which it has very close ties. In addition, some articles of the Criminal Code, such as Article 280<sup>1</sup> on incitement to separatism, are used explicitly to pressure those critical of, for example, the annexation of the Crimea. As a result, the number of inappropriate prosecutions in connection with the “Ukrainian Question” remains high.

In March 2016, the Donetsk City Court of the Rostov Region found Ukrainian pilot Nadezhda Savchenko guilty, including under Article 105 Part 2 clauses a, f, g, and k of the Criminal Code (murder of two or more persons committed by a group of persons by previous concert or an organized group, by a generally dangerous method, and based on hatred or enmity towards a social group) and sentenced her to a total of 22 years in a minimum-security colony and a fine of 30 thousand rubles.<sup>4</sup> The indictment in Savchenko’s case, defined the social group, hatred to which had been supposedly motivating the pilot, as “*the civilian population of the Luhansk Region (Ukraine)*” in connection with its “*refusal to recognize the legitimacy of the current government in Ukraine and desire to create a separate territorial entity – the Luhansk People’s Republic.*” The court accepted this qualification, but we believe that the actions that constituted the basis of charges against Savchenko had taken place under the military conditions, even though the war was not officially declared, and therefore they could be qualified only as a war crime, to which the provisions of Section VII of the Criminal Code, pertaining to peacetime conditions, are not applicable. Constructing an arbitrary social group, as it was done in the indictment, transfers any war crime directed against civilians to the category of hate crimes; this is incorrect in principle.

The Kievsky District court of Simferopol sentenced Ukrainian citizen Andrei Kolomiets to 10 years of imprisonment in a maximum-security colony in June 2016. Kolomiets was found guilty of committing crimes under Article 30 Part 3 and Article 105 Part 2 clauses a, b, f, and j (*an attempted murder of two persons in connection with the discharge of their official duties, committed by a generally dangerous method, based on political or ideological hatred*) and Article 228 Part 2 (*illegal acquisition, storage and transportation without the purpose of selling parts of plants containing narcotic drugs on a large scale*). The court found Kolomiets guilty of attempted murder of two employees of the Crimean Berkut Special Forces unit, committed during clashes on Independence Square in Kiev in January 2014, when he attacked them with Molotov cocktails, being a member of the Ukrainian Insurgent Army (UPA), recognized in Russia as an extremist organization. In addition, he was involved in storage and transporta-

<sup>4</sup> In May 2016, Nadezhda Savchenko was pardoned and released to Ukraine in exchange for two Russian citizens convicted in Ukraine for taking part in military operations in the Donbass.

tion of a narcotic plant on a large scale in Kabardino-Balkaria in 2015. In our opinion, Kolomiets's sentence under Article 105 of the Criminal Code was imposed inappropriately. If a Ukrainian citizen actually threw Molotov cocktails on Ukrainian territory targeting other Ukrainian (at the time) citizens, Ukraine could have initiated a criminal case against him, asking the Russian authorities to facilitate the investigation. Acting on their own initiative, Russian law enforcement agencies have overstepped their jurisdiction.

Igor Stenin, the leader of the Russians of Astrakhan movement, was sentenced to two years in a penal colony under Article 280 Part 2 of the Criminal Code in May 2016 (the verdict was upheld by the Astrakhan City Court in July; Stenin subsequently filed a complaint with the ECHR). Stenin was found guilty of publishing an entry on the subject of the war in the Ukraine on VKontakte; he also was charged for a comment, left by another user. In our opinion, the short post calling for destruction of "the Kremlin invaders," cited in the court case, can't be considered an incitement to extremist activity. The collective image of "the Kremlin invaders," used in the preceding years by disgruntled citizens to denote the authorities, has obviously received even broader and less specific connotations in connection with the Ukrainian events. It is impossible to interpret this figure of speech as a direct call for violence against members of a particular social group, and, previously, the police had never prosecuted citizens for this popular slogan, not attaching much importance to it. Even if the statement is interpreted it as a call to action against the Russian authorities, it still pertains to activities outside the Russian territory. The unjustified severity of Stenin's sentence – two years of real prison term – should also be noted; moreover, he was soon transferred from a settlement-colony to a minimum-security penal colony.

In the same month, the Zavolzhsky District Court of Tver sentenced local resident Andrei Bubeyev to two years in prison in a settlement colony. The criminal charges against him for public calls for extremism via the Internet (Article 280 Part 2) and public calls for actions aimed at violating the territorial integrity of the Russian Federation (Article 280<sup>1</sup> Part 2) were brought in September 2015 for sharing on his VKontakte page Boris Stomakhin's article about Crimea and an image of a hand that squeezes the toothpaste out of its tube with the caption "Squeeze Russia out of yourself," accompanied by the statement that the only possible form of protest had to involve "active destruction" of Russia "as the Chechens did at one point, for example." The materials published by Bubeyev did indeed contain aggressive appeals, but we view the verdict against Bubeyev under Article 280<sup>1</sup> as inappropriate, because criticism of Russia's new territorial acquisitions should not be equated to separatism. Bubeyev's defense appealed to the ECHR.

Also in May and under the same article, a criminal case was opened against deputy chairman of the Mejlis of the Crimean Tatar people Ilmi Umerov. The

incriminating event was the address made by Umerov in March 2016 in a live broadcast of the ATR TV channel in Ukraine. We view prosecutions of Crimean Tatar activists for their calls to return Crimea to Ukraine as inappropriate – people, who never recognized the acquisition of the territory, on which they live, to another country, have a right to express their point of view, especially since the legality of the annexation of Crimea to Russia is, to say the least, controversial under international law.

In February 2016, the Zheleznodorozhny District Court of Yekaterinburg found housewife Ekaterina Vologzheninova guilty of inciting hatred and enmity towards the authorities and "volunteers from Russia fighting on the side of the militias in Eastern Ukraine" (Article 282 Part 1 of the Criminal Code) and sentenced her to 320 hours of mandatory labor with confiscation and destruction of her laptop and computer mouse. The prosecution was based on several posts shared via VKontakte social network. The law enforcement based the charges on the following publications: *The Katsaps* poem by Anatoly Marushkevich, the images styled to resemble the Second World War posters with the statements "Stop the Plague" and "Death to Moscovite Invaders," and three additional materials (texts exhibiting varying degrees of radicalism). The principal message of *The Katsaps* is that ethnic Russians living in Ukraine will defend it from Russia; the poem accuses the Russian authorities of attacking Ukraine, but contains no aggressive appeals. As for the poster, it was obviously addressed to the Ukrainian citizens, urging them to defend their country from the occupation. From our point of view, the hostile feelings of the authors of such posts and, likely, of those sharing them, pertain to the activity of a certain group of citizens, rather than ethnic, religious, sexual or social affiliation of such a group, so these publications can't be qualified under Article 282. In addition, we question the expediency of prosecuting a person for appeals, addressed to citizens or authorities of another country.

A new criminal case under Article 282 Part 1 was initiated in September 2016 in Kromy, the Oryol Region, against poet Alexander Byvshev. At the same time, the Sovetsky District Court of Oryol banned Byvshev's poem *On the Independence of Ukraine*, and the online publication of this poem served as the ground for prosecution against its author. In our view, the poem contains statements, which may be interpreted as humiliating for the Russians, but we believe that humiliation should be excluded from the Criminal Code as an act of minor gravity. We would like to remind that Byvshev was previously convicted under Article 282 of the Criminal Code in 2015 for publishing his poem *To Ukrainian Patriots*. We consider this prior conviction inappropriate as well.

Vyacheslav Kuteynikov, a retired sailor and a popular blogger, received a suspended two- year sentence and three years of probation under Article 282

Part 1 in Rostov-on-Don in October 2016. The court found Kuteynikov guilty of publishing on social networks, specifically on LiveJournal, information aimed at inciting hatred against the Russians. His verdict has entered into force. Kuteynikov had criticized, in harsh terms, the anti-Ukrainian propaganda campaign waged on the Russian television. The context of the statements indicated that Kuteynikov applied his derogatory characteristics not to the Russian people in general, but to participants of the information war with Ukraine, and his invectives contained no incitement to violence.

In May 2016, the Sevastopol Investigation Department of the Russian Federation Investigative Committee opened a criminal case under Article 282 Part 1 (incitement of hatred or hostility, and humiliation of human dignity) in relation to the substituted national anthem, played at the opening meeting of the Public Expert Council under the Governor of Sevastopol on April 8, 2016. The attendees of the event heard a satirical version of the Russian national anthem, *Russia – Our Mad Nation*. The organizers explained the incident as a mistake of the sound engineers, who had downloaded a wrong version from the Internet. Initially, the city authorities urged the community to avoid unnecessary dramatization of the situation and not to inflate the scandal around the occurrence. However, in their eagerness to utilize anti-extremist articles of the Criminal Code, newly available to them, the Crimean law enforcement agencies could not resist and ignore even this minor comic incident. From our point of view, a criminal case under Article 282 was unfounded in this instance, because the satirical version of the anthem contains no signs of inciting hatred towards anyone, and criticism of the state does not fall under Article 282 or any other articles of the Russian legislation. We have no further information on the fate of this criminal investigation.

In March 2016, Minusinsk resident G. Nazimov was sentenced to 10 months of corrective labor under Article 354<sup>1</sup> Part 3 of the Criminal Code (desecration of symbols of Russia's military glory) for posting on his VKontakte page a captioned image, interpreted by the law enforcement as an insult against the St. George ribbon. However, the offender obviously viewed the St. George ribbon as a symbol used by one of the sides of the Ukrainian conflict, and not as a symbol of Soviet military glory of the Great Patriotic War.

Nationalist Vladimir Luzgin from Perm was fined 200 thousand rubles by the regional court in September 2016 under Part 1 of the same Article 354<sup>1</sup> (public denial of the facts, established by the sentence of the International Military Tribunal for the trial and punishment of the principal war criminals of the European Axis countries, approval of the crimes established by this verdict, as well as dissemination of knowingly false information about the activities of the USSR during the Second World War) for re-publishing the articles that

contained a debatable interpretation of the Molotov-Ribbentrop Pact, as well as controversial statements relating to episodes of the history of the Bandera movement. The verdict was upheld by the Supreme Court of Russia, and Luzgin has appealed to the ECHR.

We know of at least 5 inappropriate court decisions, issued in 2016 under Article 20.3 of the Administrative Code for online display of Nazi symbols in the context of polemics related to the Ukrainian events. Since designating the opposite side of the conflict as “fascists” is quite common and was even encouraged by the official propaganda in Russia, social network users actively utilize the Nazi symbols in order to vilify their ideological opponents. At the same time, Russian law enforcement agencies tend to punish for any demonstration of Nazi symbols regardless of the context. As a result, fines are issued to critics of Russian politics in Ukraine, to opponents of the Ukrainian authorities, and to supporters of the Donetsk and Luhansk Republics (LNR/DNR). Nina Solovyova, an LGBT activist from Krasnodar, was sentenced to ten days of administrative arrest for publishing on social networks a video of the song *This is Rushism, Baby* by Boris Sevastyanov. The video does show swastikas, since it includes a number of snippets from the Third Reich newsreels. Meanwhile, Roman Grishin from Kaluga was charged under Article 282 of the Criminal Code for sharing the same musical video, which contains harsh criticism of the Russian state propaganda and of the country's foreign policy in connection with its actions in Ukraine, typical (according to the song's author) for totalitarian regimes. Grishin is currently under travel restrictions.

In May, artist Pyotr Pavlensky was convicted under Article 214 Part 2 of the Criminal Code (vandalism committed by a group of persons by prior agreement) for his “Freedom” action in Saint Petersburg. He was sentenced to 1 year and 4 months of restriction of liberty, but released from punishment due to the statute of limitations for criminal responsibility. In February 2014, five participants of the “Freedom” action in support of the Ukrainian Euromaidan unfurled a black flag and the state flag of Ukraine on Maly Konyushenny Bridge, opposite the Church of the Savior on Blood; they also set on fire a number of automobile tires and banged on metal sheets with sticks. Despite the absence of hate motive in the charges against Pavlensky, we believe that he was de facto sentenced for his ideological action, so we discuss his case here and include it in our statistics. We consider his conviction inappropriate for absence of crime in the act. First, the action caused no property damage (the worst damage caused by the actionists consisted of some burn marks on the pavement), i.e. it did not meet the Criminal Code definition of vandalism. Additionally, Pavlensky had already faced administrative responsibility for the same offence, and double jeopardy is not acceptable.

In April 2016, the Supreme Court recognized the Mejlis of the Crimean Tatar People as an extremist organization and banned its activities. The Supreme Court of Russia upheld this decision in September. The request for the ban of the Mejlis was filed by the Crimean Prosecutor's Office in February 2016. The prosecutor's office cited a number of statements and actions by the leaders and members of the Mejlis as reasons for banning the Crimean Tatar organization, beginning with the adoption of the Declaration on the National Sovereignty of the Crimean Tatar people in 1991 and ending with participation in the transport blockade of Crimea. The majority of the actions with participation by Mejlis members, mentioned by the prosecutor's office, took place before Crimea's transition to Russia, and does not fall under the jurisdiction of the Russian court at all. The remarks of the Head of the Mejlis Refat Chubarov, which became the basis for a criminal case against him under separatism charges and were cited by the prosecutor's office as an argument in favor of eliminating the organization, contained no direct incitement to war for liberation of the peninsula, as far as we could tell. The blockade of Crimea from the Ukrainian side, incriminated to some members of the Mejlis, was, indeed, an illegal action, but it was carried out on the territory of another state and was unrelated to the operation of the Mejlis as an organization on the Crimean territory. In general, the evidence of the organization's involvement in extremist activity, presented by the prosecutor's office, was not considered in detail or weighed by the court; the decision to close down the Mejlis was promptly pronounced, because it was dictated not by actual activities of the organization but by political motives openly stated by Crimean Prosecutor General Natalia Poklonskaya. In our opinion, this decision is not only inappropriate but also politically reckless, since it could potentially provoke an aggravation of ethnic tensions on the peninsula.

In 2016, Russian law enforcement authorities continued to block Ukrainian resources (as well as websites that had relocated to Ukraine after the annexation of Crimea and beginning of the armed conflict) under Lugovoy's law. The reasons for limiting access to these resources are often quite obvious, since verbal activity in a situation of armed conflict typically contains appeals to destroy the enemy, but analytics or information materials has occasionally been blocked as well. In this regard, our position has remained the same – we consider such restrictions a part of the ongoing information war between the two countries. We believe that evaluating them from the standpoint of following the rules of peacetime is pointless.

#### **Other “Separatism”**

In 2016, two new criminal cases unrelated to Ukraine were initiated without proper justification under the article on separatism.

A criminal case under Part 2 of Article 280<sup>1</sup> was initiated in March 2016 in Ulan-Ude; Buryat nationalist Vladimir Khagdaev faced the charges in December. According to the investigation, “*having personal convictions focused on uniting the Mongolian peoples in a single state,*” Khagdaev published statements with calls for actions aimed at violation of the territorial integrity of Russia, under the pseudonym “Genghis Bulgadaev” in November 2014 – January 2015. Khagdaev authored one post and two comments on VKontakte that contained calls for actions toward separation of Buryatia from Russia. The incriminating social network post is an image showing a quote from an interview with journalist Alexandra Garmazhapova, in which she was critical of the Russian nationalists and mentions separation of Buryatia from Russia as a hypothetical scenario; this post definitely contained no separatist appeals. In his comments, Khagdaev called for a “major geopolitical shift” and reshaping of the world and Russia, and also asked a rhetorical question “when will it be possible to take up weapons and go assimilate a Russian lieutenant-colonel neighbor?” We can't call prosecution for these statements unequivocally illegal. However, it must be recognized, that two comments under the post, which attracted almost no attention, hardly represented significant public danger.

It was reported in July that the Moscow FSB had opened a criminal case under Articles 280<sup>1</sup> and 282 of the Criminal Code based on the post *A Bomb Ready to Explode* published by journalist Andrei Piontkovsky on his blog on the Echo of Moscow website in January 2016. According to the FSB, the article contained calls for “*violation of the territorial integrity of Russia and actions aimed at inciting hatred and hostility based on ethnicity.*” We have no information whether Piontkovsky was ever charged as a defendant in this case. The publicist had left Russia even before the case was initiated. *A Bomb Ready to Explode* focused on the crisis in relations between the Russian and Chechen peoples. Originally, the text ended with the statement that, in order to avoid a catastrophe, Chechnya should be granted full independence, but these words were removed at some point after the publication of the text. In our view, calls for the violent separatism are the only ones that merit prosecution, and Piontkovsky's post contained no such calls. Furthermore, we found the text to contain no statements inciting hatred on ethnic grounds.

#### **Incitement to Hatred toward Public Officials**

We view criminal prosecution under Article 282 of the Criminal Code on charges of inciting hatred towards a social group of public officials as inappropriate, since this social group can't be considered vulnerable, and, in our opinion, anti-extremist articles should specifically protect vulnerable groups (such as people with disabilities, homeless people, sexual minorities, etc.), and



this clarification needs to be included in the law; so that its abuses, associated with an expanded interpretation of the nebulous term “social group,” could be avoided.

A criminal case from this category was opened in April against Olga Li, a deputy of the Kursk Regional Duma. She was charged with incitement of hatred or hostility, and humiliation of human dignity on the basis of membership in the social group “*government representatives, particularly law enforcement officials and the judiciary*,” based on the text of her appeal to President Putin, publicly accessible on Li’s page on VKontakte, and on videos of her speeches, published elsewhere online. Li’s statements contained harsh criticism of foreign and domestic policy of the authorities as well as accusations of embezzlement and other offenses against certain government officials in the Kursk Region, but no dangerous incitement. In October, the investigation under Article 282 of the Criminal Code against Lee was dropped (although the investigation under charges of libel against the judge has continued).

In August 2016, criminal proceedings under Article 282 Part 1 for incitement of hatred against the authorities were opened against the Left Bloc (*Levy Blok*) activist Danila Alferyev. The charges were based on the address he gave at a rally on November 7, 2014. In the speech, the activist, for reasons that are not quite clear, parodied the notorious speech by Andrei Kovalenko, the leader of the Moscow branch of the Eurasian Youth Union, and called for “sweeping out” “the fifth column” in the State Duma, participation in the Donbass conflict, and “freeing Russia from the occupation” upon receiving an order from Gennady Zyuganov (not Putin, as in Kovalenko’s original version). He was additionally charged under Article 280 Part 1 for the same speech in November, but we have doubts about this accusation as well – Alferyev’s incitement can’t be qualified as direct, and his appeals to Zyuganov to move the young people to disobedience can’t be considered a significant public danger for the past 10 years or more.

In February 2016, criminal charges under Article 282 Part 2 Paragraph “b” (actions aimed at inciting hatred or hostility, committed with the use of official position) were brought against well-known religious scholar Rais Suleimanov of Kazan. The law enforcement objected to the materials published by Suleimanov – an expert of the Institute of National Strategy – on VKontakte, Facebook and a number of other sites. The decision to open criminal proceedings stated that, in 2011 – 2016, the expert published materials testifying to “*the alleged presence of underground radical Islamist gangs and active groups of ethnic separatists in the Republic of Tatarstan and support, shown to them by a large number of Muslims and Tatars and by the clergy and some officials of the republic*” and also spoke of ongoing “*mass persecution*” against Russian residents of Tatarstan and the “*propaganda of the Tatar national exclusiveness*” in the republic. We

believe that estimating the popularity of the radical currents of Islam in Tatarstan or criticism against the ethnic policy of the republic’s leadership, in and of itself, cannot be regarded as extremist statements, and prosecution based on expressing opinions on these topics can be regarded as an attack against freedom of speech. At the same time, as we noted earlier, certain statements by Suleimanov really have a potential to stir up hatred against peaceful representatives of “non-traditional” religious movements. In this regard, we find it difficult to assess the appropriateness of criminal prosecution against Suleimanov. In any case, the criminal case against him was dropped in July 2016.

### **Fight against “Justification of Terrorism”**

In December 2016, the visiting session of Privolzhsky District Military Court in Tyumen found blogger Alexei Kungurov – a former member of Igor Strelkov’s Committee of 25 – guilty of justifying terrorism (Article 205<sup>2</sup> Part 1 of the Criminal Code). Kungurov faced responsibility for the text *Whom Putin’s Falcons Are Really bombing* posted on his personal blog. According to Kungurov, the FSB objected to his allegations that Russia was actually helping the Islamic State, rather than bombing it. We view Kungurov’s verdict as inappropriate. The article *Whom Putin’s Falcons Are Really Bombing* contains an analysis of the situation in the Middle East and, in our opinion, includes no incitement to terrorism.

## **Religious Groups**

### **Hizb ut-Tahrir**

According to our information, 19 verdicts against 37 people were issued on charges of involvement in the activities of the Islamic religious-political party Hizb ut-Tahrir al-Islami, which was banned as terrorist in 2003. 18 of the verdicts (against 35 people) were issued under Article 205<sup>5</sup> (organizing activities of a terrorist organization or participation in it). In four of these 18 cases, 12 people were additionally convicted under Article 282<sup>2</sup> – for the period of activity before the adoption of Article 205<sup>5</sup>. Eight people in two cases were charged under Article 30 Part 1 of the Criminal Code in conjunction with Article 278 (preparation for the violent takeover of power); two people (one case) were also charged under Part 1 of Article 222 (illegal circulation of weapons); one more person was also convicted under Article 282 for incitement of hatred. One Hizb ut-Tahrir follower was convicted only under Article 205<sup>2</sup> (public incitement to terrorist activity or justification of terrorism). We believe that the decision to ban this organization as terrorist has been inappropriate, since Hizb ut-Tahrir does not practice violence and does not view it as a suitable method of struggle

for building the worldwide caliphate. However, we note once again that, in our view, Hizb ut-Tahrir still could be prohibited for other reasons.<sup>5</sup>

Verdicts on charges of collaboration with Hizb ut-Tahrir remained severe throughout 2016; prison sentences under Article 205<sup>5</sup> in some cases approached 20 years. Meanwhile, there have been no attempts to prove the facts of actual preparation by defendants to carry out acts of terrorism or a government takeover – investigators simply report the defendants' involvement in party activities in the form of studying or distributing the Hizb ut-Tahrir literature or conducting meetings of like-minded people, and the court finds it sufficient. The courts – these are military district courts<sup>6</sup> – willingly fulfill prosecutorial requests despite the poor quality of the investigation.

According to our data, at least 21 new cases against 69 persons, related to involvement in Hizb ut-Tahrir, were opened in 2016 under Article 205<sup>5</sup> of the Criminal Code (including 12 cases against 29 individuals in Tatarstan and 4 cases against 15 individuals in the Crimea). In comparison, there were at least 8 such cases against 57 people in the preceding year. Four of the defendants in one of the new cases were also charged with preparing for a government takeover under Article 30 Part 1 and Article 278 of the Criminal Code; three defendants in the other case faced additional charges of inciting hatred under Article 282. Most of the defendants are in pre-trial detention; some under house arrest or travel restrictions.

<sup>5</sup> We usually do not classify cases against Hizb ut-Tahrir supporters under Article 282<sup>2</sup> of the Criminal Code as inappropriate. Our position is based, in particular, on the judgment by the ECHR regarding the activities of Hizb ut-Tahrir, rendered as a supplement to the decision regarding the complaint of the two convicted members of the organization against the Russian authorities. The ECHR stated that, although neither the doctrine nor the practice of Hizb ut-Tahrir allows to view the party as terrorist, and it does not call for violence, banning it as an extremist organization would be justified, because Hizb ut-Tahrir permits calls to overthrow the existing political system and establish a dictatorship based on the Sharia law; it is characterized by anti-Semitism and radical anti-Israel propaganda (for this, among other considerations, Hizb ut-Tahrir was banned in Germany in 2003), by a definitive rejection of democracy and political freedoms and recognition of the legitimate use of force against the countries, which the party considers aggressors against the “land of Islam”. The Hizb ut-Tahrir objectives run clearly contrary to the values of the European Convention on Human Rights, in particular, the commitment to peaceful resolution of international conflicts and the sanctity of human life, recognition of civil and political rights, and democracy. Activities for such purposes are not protected by the European Convention on Human Rights.

<sup>6</sup> In accordance with the 2014 law “On Amendments to Certain Legislative Acts of the Russian Federation (Concerning the Improvement in Counteracting Terrorism),” criminal cases concerning activities of terrorist organizations fall under the jurisdiction of three (taking the amendment of 2016 into account) district military courts.

The Federal List of Extremist Materials came to include at least six new entries with Hizb ut-Tahrir materials in 2016. Resources, which published the materials recognized as extremist, were also added to the Unified Registry of Banned Websites. These materials are heterogeneous; some of them give reasons for criticism, while others are prohibited without proper justification. In addition, dozens of different non-propaganda materials related to prosecution of Muslims on charges of involvement in Hizb ut-Tahrir were inappropriately blocked in 2016 under Lugovoy's Law. It should be noted that law enforcement agencies and courts prohibit materials of the party automatically, by the virtue of their association with a banned organization, without considering them on their merits and not ascertaining the degree of potential danger of each one.

### **Tablighi Jamaat**

At least three new criminal cases were opened in 2016 on charges of involvement in the activities of the international religious movement Tablighi Jamaat, banned in Russia.

Thus, in early October 2016, a resident of Barnaul was detained, and a criminal case against him was opened under Part 1 of Article 282<sup>2</sup> of the Criminal Code (inciting, recruiting or otherwise involving a person in activities of an extremist organization). According to the investigation, he rented a cafe in Barnaul in 2015, organized a prayer room there, and held weekly religious meetings, during which he tried to persuade the residents of Barnaul and Novosibirsk to participate in the activities of Tablighi Jamaat.

A criminal case under Article 282<sup>2</sup> was opened in October in Tatarstan. Officers of the republic's units of the FSB, Investigative Committee and the Ministry of Internal Affairs conducted searches at 39 separate addresses in Kazan, Naberezhnye Chelny, Almetyevsk, Aznakaevo, Rybno-Slobodsky, Kukmorsky and Sabinsky districts of the republic. At least nine believers were detained on suspicion of their Tablighi Jamaat involvement.

In late December 2016, seven Muslims were detained and then arrested in Moscow; they were charged with activities related to Tablighi Jamaat. The operation was conducted as part of the investigation of the criminal case initiated in December under Article 282<sup>2</sup> by the Investigation Department of the regional FSB (the preceding detention campaign against the believers took place in the summer of 2016). According to the investigation, the detained Tablighi Jamaat members called for unification of Muslims of the Moscow Region, and involved them in illegal activities, “*studied forbidden literature, and discussed plans to establish “the Caliphate Islamic state” on the territory of the Russian Federation.*” As reported by the FSB, new members of the movement were sent to camps in Afghanistan and Pakistan for education and special training.

Two more people were detained in Kazan in January 2017, as part of the same investigation.

Tablighi Jamaat religious movement was banned in Russia in 2009. We view this ban as inappropriate, since the movement is engaged exclusively in promotion of the Islamic religious practices and have never been known to incite violence.

### Followers of Said Nursi

Persecution of Muslims studying the works of Turkish theologian Said Nursi, which are – in our opinion, unreasonably – prohibited in Russia, continued in 2016. We would like to remind that Russian law enforcement agencies prosecute the believers, found in possession of Nursi's books, for membership in Nurcular, a supposedly united organization, banned in Russia despite the fact that its activities and even its very existence has never been proven. We know about at least one verdict, issued against a Nursi follower, and about three new criminal cases against five people, charged on the basis of their Nurcular affiliation.

In May 2016, the Sovetsky District Court of Chelyabinsk issued a suspended sentence of two years with a two-year probation period and a one-year restrictions on freedom to local resident Yakov Tselyuk under Part 2 of Article 282<sup>2</sup> of the Criminal Code, having found him guilty based on the fact that, in November 2012 – February 2013, he distributed Nursi audiobooks via a social network, and also shared seven posts with quotations from forbidden books. The case was heard under a special procedure, since Tselyuk fully admitted his guilt.

It became known in late December 2015 that Yevgeny Kim, a Muslim resident of the Ivanovka village, was arrested in Blagoveshchensk in the Amur Region on charges of organizing the activity of the Nurcular cell (Article 282<sup>2</sup> Part 1). Several Muslims served as witnesses in this case, including Blagoveshchensk resident Anton Starodubtsev, who was later charged with participation in the activities of the cell under Article 282<sup>2</sup> Part 2. The indictment in the case was confirmed in December 2016 and informed that Kim was also charged with inciting religious hatred under Article 282 Part 1. Note that Muslims, who study books of Nursi, as a rule, are not charged with inciting religious hatred; the case of Kim is noteworthy in this sense. From our point of view, the books of Nursi contain no signs of inciting hatred, and the conviction of believers regarding the superiority of their religion over all others is natural and should not be interpreted as illegal, unless they allow themselves any aggressive rhetoric against those not sharing their faith.

In March 2016, law enforcement agencies conducted an operation against the followers of Nursi in three cities of Dagestan: Izberbash, Makhachkala and Khasavyurt. 14 people were taken into police custody; 12 of them were released after interrogations, and two – Ziyavdin Dapaev (previously convicted in 2011

under Article 282<sup>2</sup> and given a suspended sentence of three years) and Sukhrab Kultuev – were detained and later arrested on charges under Article 282<sup>2</sup> of the Criminal Code. Sukhrab Kultuev remained in Makhachkala pre-trial detention facility until September and then was released on his own recognizance with travel restrictions. His brother Artur Kultuev has been under travel restrictions as well.

In March, Andrei Dedkov and Andrei Rekst were detained and later arrested in Krasnoyarsk. Both faced criminal charges for involvement in Nurcular: Dedkov – under Part 1 and Rekst – under Part 2 of Article 282<sup>2</sup>. Rekst was soon released on bail; Dedkov remained in jail until March 2017, and then was released under travel restrictions. According to the investigators, in May 2015 – March 2016, Dedkov “*organized a Nurcular cell,*” arranged religious meetings in private apartments, where he discussed Nursi's books with other believers and explained the ways to distribute them, while Rekst participated in these activities. You may remember that, in December 2015, Dedkov was found guilty under Article 282<sup>2</sup> Part 1 and sentenced to a fine of 150 thousand rubles, but the Krasnoyarsk Regional Court released him from punishment due to the statute of limitations in January 2016.

In November 2016, the Yevpatoria City Court fined Elmar Abdulganiev, the imam of the Khan-Jami Mosque, under Article 20.29 of the Code of Administrative Offenses, accusing him of storing the literature of the banned religious association Nurcular in the mosque for the purpose of disseminating it. The parishioners, present during the search, reported that people, who introduced themselves as FSB officers, were conducting their search in complete darkness with the electricity turned-off, and could have easily planted the books.

### Other Muslims

In late October, the Caucasus District Military Court found Magomednabi Magomedov – the imam of Vostochnaya Mosque and the chairman of the Imams' City Council of Khasavyurt – guilty under Article 205<sup>2</sup> Part 1 of the Criminal Code (public incitement to terrorist activity or public justification of terrorism) and under Article 282 Part 1 and sentenced him to five years' imprisonment in a minimum-security penal colony. The imam was accused of “*calling for terrorist activities and publicly justifying terrorism in the mosque of the Vostochny settlement of Khasavyurt on February 5.*” Magomedov's sermon was dedicated to shutting down of Salafi mosques in Dagestan. The imam talked about the unacceptability of further pressure against the Salafis by the security forces and urged the community members to stay united and defend their rights by peaceful means. The Human Rights Center “Memorial” has recognized Magomedov as a political prisoner – the charges against him were based on

his sermon, which was critical of the authorities but contained no dangerous incitement. The Russia's Supreme Court took six months off Magomedov's sentence, reducing it to 4.5 years in late January 2017.

In January 2016, a criminal case was initiated under Part 1 of Article 282 against Ali Yakupov, the imam of the Kurgan mosque. The Kurgan City Court started considering his case in September. According to the investigators, Yakupov left a comment in November 2015 under the material published on VKontakte on the subject of the Muslim women in China not being allowed to wear a hijab, in which he allegedly spoke of "divine punishment" that was going to befall the Chinese Communists (Yakupov claims that he never wrote this comment, and this was the work of hackers). In our opinion, the case against Yakupov was inappropriate. We believe that the Chinese Communists do not constitute a vulnerable social group in need of special protection. Previously, Yakupov was an imam in the Penza Region and was also charged under Article 282 of the Criminal Code, but the case was dismissed.

According to our, admittedly incomplete, data, at least 16 Muslims, including several imams and one mufti, were improperly fined in 2016, under article 20.29 of the Administrative Code for dissemination of extremist materials or storage thereof for the purpose of distribution.

On July 22, 2016 the Samara Regional Court banned the activities of the Mirmamed's Mosque religious community as extremist. Earlier, this year, in January 2016, the mosque's imam, Ilgar Guseinov received a warning about the impermissibility of extremist activity, and then, in February, was fined under Article 20.29 of the Administrative Code for publishing on a social network the banned (inappropriately, in our opinion) video *The Miracles of the Koran [Chudesna Korana]*. In May, the Chapaevsk City Court once again fined Guseinov under the same article for the banned book *Fortress of the Muslim [Krepost Musulmanina]*, found in the mosque. This is a collection of prayers that we view as containing no signs of extremism. The court made a decision to ban the activities of the religious group based on the fact that the new violations of the legislation on combating extremism were revealed within a year from the date of issuance of the warning. In our opinion, since both cases pertained to distribution, or storage for the purpose of distribution, of inappropriately prohibited materials, the decision to ban the activities of a religious group is also inappropriate. In September 2016, the organization appealed to the Supreme Court of the Russian Federation with a complaint against the decision of the Samara Regional Court.

The Federal List of Extremist Materials came to include seven new entries with Muslim materials in 2016 that we consider inappropriately banned by Russian courts (not counting the above-mentioned Hizb ut-Tahrir materials).

### Jehovah's Witnesses

The persecution of Jehovah's Witnesses sharply increased in 2016. If in the preceding year just one of their local religious organizations was liquidated as extremist, this number grew to five in 2016 – the communities were liquidated in Stary Oskol, Belgorod, Elista, Oryol, and Birobidzhan. At the same time, the Supreme Court of the RF decided to overturn the decision to liquidate the Tyumen community, and the Arkhangelsk Regional Court refused to liquidate the Arkhangelsk community.

The number of sanctions under Article 20.29 of the Administrative Code (for distribution of prohibited brochures of Jehovah's Witnesses or their storage with intent to distribute) also increased. According to our data, Russian courts adopted at least 18 decisions on levying an administrative fine in 2016 (approximately twice the number of such cases in 2015). In addition, the courts twice used the same article to issue a ruling on temporary suspension of activities of local Jehovah's Witnesses organizations – for 80 days in Abakan and 45 days in Voronezh – but this decision was overturned by the Regional Court in March 2017.

The criminal cases against Jehovah's Witnesses in 2016 never showed much progress. Thus, in March, the Sergiev Posad City Court, having examined the case of Vyacheslav Stepanov and Andrei Sivak (the leaders of the local Jehovah's Witnesses religious community) opened under Article 282 of the Criminal Code as far back as 2013, and after failing to find any signs of incitement to hatred in their statements, concluded that they were innocent, lifted their travel restrictions and acknowledged their right to exoneration, including the right to be compensated for moral harm and restored in their labor, retirement, housing and other rights. The charges of inciting religious hatred was brought against Stepanov and Sivak based on the fact that, at the prayer meetings, they had quoted the forbidden Jehovah's Witnesses brochures, which contained negative characteristics of other religions, including "traditional" Christianity and the Christian clerics, and called to join Jehovah's Witnesses. However, on May 26, 2016, the Moscow Regional Court issued an appellate ruling on this case. The case materials were sent for a retrial in the same court, but in a different composition.

At the same time, it was reported that criminal charges under Article 282<sup>2</sup> against six Jehovah's Witnesses in Taganrog, the Rostov Region, were dropped in December 2016 on the rehabilitative grounds. The believers were charged in October 2013 and placed under travel restrictions. The investigation suspected that, by praying and reading the Bible together in 2011, six Jehovah's Witnesses were continuing the activity of the local religious organization, banned for extremist activity.

At least seven Jehovah's Witnesses communities received warnings from prosecutors about the impermissibility of extremist activities in 2016.

On March 2, 2016, the Prosecutor General's Office issued a warning to the flagship organization of Jehovah's Witnesses in Russia – the Administrative Center of Jehovah's Witnesses in Russia. In October, the Tverskoy District Court of Moscow denied the Jehovah's Witnesses' request to recognize this warning as unlawful. This decision was, once again, upheld by the Moscow City Court in mid-January 2017.

The representatives of Jehovah's Witnesses stated that the Jehovah's Witnesses' Administrative Center in Russia committed no extremist acts, and the accusations of followers of Jehovah's Witnesses in extremist activities “are based on false evidence, planted literature and false fabricated testimony.” The organization stated its intention to appeal the decision of the Moscow City Court to the Supreme Court and the European Court of Human Rights.<sup>7</sup>

We view liquidation of Jehovah's Witnesses organizations for extremism, prosecutions against members of their communities and bans on their texts as religious discrimination.

Note that at least three Jehovah's Witnesses brochures were banned in 2016: *Listen to God, How Did Life Begin?* and *Does God Really Care about Us?* as well as the website that featured the Jehovah's Witnesses online library on the subject of the Bible. The Federal List of Extremist Materials came to add five items containing the materials of Jehovah's Witnesses in 2016.

In addition, two high-profile processes started in 2016 in Vyborg, the Leningrad Region. In April, the Vyborg City Court started its consideration, in the presence of the defendant, of the lawsuit filed by the Leningrad-Finland Transport Prosecutor's Office on recognizing as extremist a print run of brochures by Jehovah's Witnesses, seized by the Vyborg customs in 2015, including the *Holy Scriptures in the New World Translation* (published in 2007), that is, the Bible in the Russian translation by Jehovah's Witnesses. It has been decided to conduct an examination by a religious expert and suspend the proceedings until the announcement of its results. In our opinion, the *Holy Scriptures in the New World Translation* contains no signs of extremism. We would also like

<sup>7</sup> In March 2017, after a large-scale February inspection at the Administrative Center of Jehovah's Witnesses in Russia, the Ministry of Justice filed a claim in the Supreme Court of the Russian Federation for liquidation of the organization on the grounds that it and its structural units continued to carry out extremist activities. The activities of the Administrative Center have been suspended pending the court's decision; this order can be extended to local communities. If their parent organization is banned, Jehovah's Witnesses in Russia, numbering over than one hundred thousand, will find themselves outlawed; each of them will be threatened with criminal prosecution.

to remind that Russia has a law, which bans recognizing the scriptures of the four world religions and their fragments as extremist, although it is difficult to understand how it should be applied to translations, which believers tend to use most frequently.

In November, the same court started considering the claim against the Vyborg customs filed by the Gideons International. The Association attempted to import a print run of the New Testament and the Psalms into Russia in July 2016, but the books were detained, because the customs officers had them confused with Jehovah's Witnesses materials. The customs demanded a psycho-linguistic examination of the books of the Bible in order to determine whether they should be considered extremist literature. The Gideons presented to the head of the customs an expert opinion that the New Testament and the Psalter were parts of the Bible, which, by law, couldn't be considered extremist. The customs refused to take the expert opinion into account. As a result, the mission's vehicle with 20 thousand books remained in the customs for a long time, so that the books have deteriorated and the entire print run had to be returned to Finland.

#### **Yehowist-Ilyinites**

In Korsakov, the Sakhalin Region, the local branch of the Investigative Committee of the RF opened a criminal case against a local resident under Part 1 of Article 282 in May. He has been accused of inciting religious hatred through distribution of the prohibited brochure *Svidetelstvo ISUS-CHRISTOVO* [*The testament of Jesus Christ*] in a hallway of an apartment building. In our view, this Ilyinite<sup>8</sup> brochure is intended to assert the truthfulness of the version of Christianity, revealed to its author, and the falsity of all other denominations. We view its prohibition and prosecution for its dissemination as inappropriate, because, according to the Supreme Court, propaganda of the superiority of one's own religion over the others cannot be regarded as incitement to hatred, and the text contains no incitement to violence. The case was forwarded to the Korsakov City Court in September.

#### **Downsides of the Fight for Tolerance**

##### **Fight against Those Insulting the Feelings of Religious Believers**

In February 2016, in Orenburg, the former teacher of the local medical university, Sergei Lazarov, was found guilty under Article 148 Part 1 of the Criminal

<sup>8</sup> Yehowist-Ilyinites (also Ilyinists, Ilyintsy, Jehovists, the Right Hand Brotherhood) is a religious movement founded in the 1840s by Nikolai Ilyin (1809-1890), based on elements of the Judaic and Christian traditions.

Code (public actions expressing obvious disrespect to society and committed with a purpose of insulting religious feelings of believers) in connection with publishing online *The Evil Christ* article by Yaroslav Yanitsky. The court levied a fine of 35 thousand rubles with exemption from punishment due to the statute of limitations. An attempt to challenge the verdict in the district court was unsuccessful. In our opinion, the prosecution against Lazarov under Article 148 of the Criminal Code was inappropriate. The text, dedicated to the image of Christ the Pantocrator in Christian iconography, contains rough epithets describing God the Creator in the Gnostic interpretation, and the author links the ROC to Satan. However, the Russian secular society has no generally accepted or fixed legislative ideas about God and his image, therefore publication of even the most extravagant reasoning on this topic can't be considered an act expressing disrespect to the society. In addition, the Resolution of the Plenary meeting of the Supreme Court No. 11 "On Judicial Practice in Criminal Cases Concerning Extremist Crime" (confirmed, in this part, in the above-mentioned Resolution of the Supreme Council of 2016) states that criticism of religious beliefs, customs and organizations, in and of itself, should not be viewed as an action aimed at inciting hatred or enmity. We believe that this instruction should also be taken into account when considering criminal cases under articles other than Article 282, since it defines the boundaries for criminalization of such critical statements in general.

It became known in January 2016 that a criminal case had been opened against a resident of Kotlas, the Arkhangelsk region, charged under Part 1 of Article 282 for inciting religious hatred. The FSB found a comment left by a local resident in August 2014 in the Kotlas VKontakte community under an anonymous post proposing to burn down a church. The comment used an obscene word to categorize atheism, and called its adherents fools. According to the comment, those, who fail to read the Bible, will become "monsters, Rodnovers, Hare Krishnas, Hindus, Buddhists" and "other satanic rabble;" the author also added an insulting verbal description of such people. The case went to court in April 2016. The court refused to discontinue the case on the basis of active repentance of the defendant, a 19-year-old vocational college student. In our opinion, his actions presented no public danger.

The same is true regarding the case of another student, 18-year-old Alexander Razhin of Omsk, sentenced to 120 hours of corrective labor under Part 1 of Article 282 in May. Razhin, under an alias, posted a comment on a social network regarding the news about the Marilyn Manson concert in Omsk, cancelled due to pressure from Orthodox activists, in June 2014. The comment was qualified by the linguistic expertise as containing "*the signs of humiliation of dignity of a group of people* (Orthodox Christians – ed.) *on religious grounds.*"

In the same month of May, the Berdsk City Court in the Novosibirsk Region delivered a guilty verdict to 21-year-old Maxim Kormelitsky (repeatedly prosecuted in the past), who had published on his VKontakte page a photograph depicting people bathing in the ice-hole, accompanied by an insulting caption. The court found Kormelitsky guilty of inciting religious hatred, sentenced him to a year in a settlement colony, and extended his term by three months, since he was still on probation related to his earlier suspended sentence. During the investigation, Kormelitsky stated that he was an "ardent atheist" and had a negative attitude towards "propagandists of religion." According to him, he wanted to characterize the "mental state of people, who sacrifice their health for the sake of religion." In our opinion, the image in question provided no reason for a criminal prosecution.

In April, the Kirovsky District Court of Yekaterinburg referred "Voodoo Master" Anton Simakov for compulsory mental health treatment. Simakov performed a certain ceremony in his office in October 2014, with the purpose of exerting magical influence on the Ukrainian authorities. It involved the following objects: a clay voodoo doll, a funeral pall, a band usually put on the heads of the dead in churches, a printed copy of the prayer traditionally read during church funeral services, a small wooden cross, and a rooster for a sacrificial animal, whose blood the "Voodoo Master" sprinkled on the above-listed objects. All of this was recorded on video and found its way online. We believe that the actions, committed by Simakov, should not be qualified as a crime under Article 148 of the Criminal Code; he had no intent to insult the Christian symbols, but merely used them for his own ceremony.

The verdict under Article 148 Part 1 in the case of two residents of Sosnovka in the Vyatskopolyansky District was issued in June in the Kirov Region. The court found Konstantin Kazantsev and Rustem Shaidullin guilty of placing a stuffed dummy, made for that purpose and accompanied by an insulting inscription, on a high cross in the village of Staraya Malinovka; each of them was sentenced to 230 hours of mandatory labor. In our view, the convicts' actions presented no public danger and should have been appropriately qualified as an administrative offense, rather than a crime.

An absurd case against an atheist was opened in September 2016 in Yekaterinburg. Videoblogger Ruslan Sokolovsky was charged under Article 282 Part 1 of the Criminal Code (incitement to religious hatred) and Article 148 Part 2 of the Criminal Code (insulting the feelings of believers). Sokolovsky has remained under investigation since September 2016, and spent a considerable part of this time in a pre-trial detention unit. Now, he has filed an appeal against the arrest in the ECHR. In February 2017, before his case went on trial, the court, once again, released him under house arrest, but extended his term until mid-

August. Sokolovsky faces charges of inciting hatred and insulting the feelings of believers for publishing videos full of provocative remarks, primarily atheist in their character. The blogger's story of catching Pok mon in the Cathedral of the Intercession of the Spilled Blood in Yekaterinburg was viewed as particularly offensive to the believers. We believe that charges for humiliation of dignity on religious grounds for rude statements against believers could have been appropriate, but humiliation of dignity should be removed from the Criminal Code.

In December 2016, it became known that a prosecutor's office in Chelyabinsk had issued a warning to Ekaterina Omelchenko, a student of the Yuzhnouralsk State University, who created a petition against the construction of a chapel in Chelyabinsk. The prosecutor's office warned the student about the impermissibility of "*unlawful actions*," having concluded that she could "*possibly, in the future, commit acts that incite religious hatred and enmity*," covered under Article 5.26 of the Administrative Code (violation of the legislation on freedom of conscience), as well as Article 148 Part 1, and Article 280 of the Criminal Code. After creating her petition, Omelchenko wrote the following Facebook post: "*Once, there were the great 1960s, when — I can be mistaken, but that's what I know — Polet radio plant, which was the most powerful at that time, beautified this square and planted the fur trees. Now, Polet is on the verge of bankruptcy and is about to close down — and an Orthodox chapel is being inappropriately built on the site of this square. I do not like such a spirit of the times. Meanwhile, a friend of mine, who works in the Russian Orthodox Church, is laughing in my face and saying "Hipsters can find another place for to hang out." No, we will not look for another place.*" According to the Prosecutor's Office, this post "*provoked unrest in the society, expressed in posting comments aimed at inciting religious discord.*" From our point of view, there was nothing provocative about the student's actions. The actions of the prosecutor's office violated her right to freedom of expression.

Notably, Heiner Bielefeldt, the UN Special Rapporteur on Freedom of Religion or Belief, presented a report at the UN Human Rights Council in Geneva in March 2016 examining, in particular, the application of blasphemy laws in different countries, and called for their general revocation.<sup>9</sup> According to Bielefeldt, these laws restrict freedom of expression and contribute to manifestations of hatred and intolerance on religious grounds. Religious minorities tend

<sup>9</sup> Report of the Special Rapporteur on freedom of religion or belief // Office of High Commissioner for Human Rights. 2015. 23 December ([http://ap.ohchr.org/documents/page\\_e.aspx?si=A%2FHRC%2F31%2F18](http://ap.ohchr.org/documents/page_e.aspx?si=A%2FHRC%2F31%2F18)).

to be the first to suffer from their enforcement. This occurs most frequently in Asian countries; however, in Europe, where these laws were largely preserved as a relic, their existence contributes to suppression of criticism and incitement of intolerance, discrimination and hatred of certain groups of the population on the basis of their religious affiliation. In the countries, where blasphemy laws have been adopted recently, they are also aimed primarily at protecting the religious majority. Specifically in Russia's case, they protect the Orthodox, rather than the feelings of religious minorities, increasingly harassed and arrested under the guise of fighting extremism. Bielefeldt stated that, from his point of view, allowing the fight against extremism to lead to restrictions on the fundamental rights and freedoms of citizens is unacceptable.

### Misusing the Criminalization of Incitement to Hatred

Several verdicts, handed down by the Russian courts in 2016 for incitement of all kinds of hatred, give us reasons to doubt the expedience of criminal prosecution in these cases. We readily concede that the share of such sentences among the verdicts issued under Article 282 of the Criminal Code in 2016 could be, in fact, much larger, and we simply lack necessary information to assess the extent of their legitimacy. However, we have repeatedly said that the scale of prosecution against citizens under this article (and for public utterances in general) raises serious concerns.

The Zelenograd District Court in Moscow sentenced previously convicted 20-year-old Yevgeny Kort to a year of imprisonment in a settlement colony under Article 282 Part 1 of the Criminal Code (incitement to ethnic hatred) in November 2016. Kort was charged with publishing on VKontakte a collage that included neo-Nazi Maxim "Tesak" Martsinkevich and a man resembling Alexander Pushkin. The image depicts Tesak pressing Pushkin against the wall; the action is accompanied by an offensive xenophobic comment. The investigation found that the image contained a "*set of psychological and linguistic indicators of denigrating non-Russians.*" The defendant argued that he had not published the image but was merely keeping it in an album on his social network page, but technically there is no difference between saving and posting. We view the criminal prosecution for publishing a single image, the content of which allows various interpretations, as inappropriate, and the punishment as disproportionately harsh. Kort appealed the verdict, and the Moscow City Court softened the sentence to a fine of 200 thousand rubles in January 2017.

In February, the Kirov District Court of Yekaterinburg found Semyon Tykman, a teacher in Or Avner Jewish Gymnasium, guilty of inciting hatred; the verdict was upheld by the Sverdlovsk Regional Court in June. Tykman was

sentenced to a fine of 200 thousand rubles and released from punishment due to the statute of limitations. The case was opened based on claims, filed with the Prosecutor's Office by the parents of two students in the school. According to the girls, in the winter of 2013, Tykman instructed them to spit in the direction of Orthodox churches when walking past them, as he was doing; he also argued that all the Germans should be annihilated for what they did to the Jews during the Second World War. During the trial, the only evidence against Tykman consisted of the records of the FSB employees interviewing two minors – of questionable reliability, since the two texts were almost identical. Tykman has never admitted his guilt and expressed his readiness to appeal his sentence all the way up to the European Court of Human Rights.

In July, the Elista City Court of the Republic of Kalmykia issued its verdict against Said Osmanov, who had desecrated a statue of Buddha. Osmanov was found guilty under Article 148 Part 2 of the Criminal Code and Part 1 Article 282 of the Criminal Code (incitement of ethnic hatred or enmity). The court gave him a suspended sentence of two years' imprisonment with a one year probation. In spring, 2016, Osmanov, a Dagestani athlete who arrived in Elista for a freestyle wrestling competition, entered a Buddhist temple at night along with teammates, urinated there and kicked a Buddha statue in the nose with his foot. Osmanov published the video recording of his vandalism on the Internet. We do not deny Osmanov's guilt, however, we doubt the appropriateness of the verdict with regard to incitement to ethnic hatred, since neither the media nor the law enforcement in reports mention any statements, made by Osmanov during his action in a Buddhist temple.

In early August, we learned about the verdict to Mukhidin Yusupov under Article 280 Part 1 (public incitement to extremist activities) and Article 282 Part 1. Yusupov was sentenced to four years in penal colony, with a two-year ban on serving in any public or political official position, for the crimes of inciting his inmates in a Moscow jail to participation in the religious struggle in Syria and making statements that incited hatred of the police. We consider Yusupov's verdict at least partially inappropriate. First, we don't view the police as a vulnerable population group in need of protection against acts of hatred under Article 282 (this consideration is applicable to a number of other cases reported below), and next, we believe that Yusupov's statements in the presence of three fellow inmates can hardly be considered public.

A similar case was initiated in 2016 against an English language instructor from Vladivostok, who, while playing volleyball on an embankment court, "used phrases and idioms" humiliating dignity of the Russians.<sup>10</sup> If the instructor's

<sup>10</sup> The instructor received a suspended sentence of two years in March 2017.

statements were not made in the presence of numerous passers-by on the street, but could only be heard by the conflicting parties on the court, they should not have been considered public. In addition, we also believe that humiliation of dignity should be removed from Article 282, since it does not pose a serious public danger (this consideration also applies to many cases mentioned in this report).

An investigation in the case of Tatar writer Aydar Khalim was completed in April in Kazan. The writer was charged with inciting ethnic hatred for making emotional statements about the Russians, including references to Russian President Vladimir Putin, during his address at a rally in 2014. In his speech, Khalim reportedly reiterated the thesis of his own book *To Kill an Empire [Ubit Imperiyu]* about the "biological death" of the Russian people, and said that the Russians could only be saved after "getting rid of Putin." Apparently, even though Khalim holds rather radical nationalist views, the above speech contained no calls for aggressive actions towards Russians, but merely expressed his personal opinions regarding the political course of the Russian authorities and the imperial mindset. The indictment in the case was not confirmed by the prosecutor's office of the republic.

In October, the Presnensky Court of Moscow found blogger and media manager Anton Nossik guilty under Article 282 Part 1 of the Criminal Code (incitement of ethnic hatred) for publishing the post *Erase Syria from the Face of the Earth* on his LiveJournal blog in October 2015. Nossik was sentenced to a fine of 500 thousand rubles; the defense appealed the verdict, and the Moscow State Court reduced the fine to 300 thousand rubles in December. Nossik, however, continues to fight against the verdict, and has filed an appeal with the European Court of Human Rights. In his post, Nossik called for carpet-bombing of the Syrian territory to the point of complete destruction of the civilian infrastructure of the country and praised the killing of civilians, including children, as well-deserved. We believe that Nossik's statements really contained the calls for gross violations of humanitarian law, in fact, for war crimes, as well as the statements about inferiority of the Syrians, and therefore could incite hostility toward these people as a group. However, in our opinion, the criminal prosecution against the blogger was unnecessary, since his statements presented very little social danger – hostility toward the Syrians is far from widespread in Russian society, and, as for his calls for carpet-bombing, they were addressed to the governments of various countries, and Nossik's opinion has no effect on their decisions.

The Nakhimovskiy District Court of Sevastopol issued a 2-year suspended sentence to a local resident Vitaly Slavikovskiy under Article 282 Part 1 in January. He was found guilty of incitement to hatred against members of particular ethnic groups as well as against fans of the FC Spartak Moscow for posting materials on VKontakte. We view the charge as partially inappropriate – the Spartak fans are not a vulnerable group in need of protection under anti-extremist legislation.



This example clearly demonstrates that the vague notion of “social group” should be excluded from the anti-extremist articles of the Criminal Code.

The Dzerzhinsky District Court of Yaroslavl issued a one-year suspended sentence with a probation period of one year to a local resident. He was found guilty under Article 282 Part 1 for posting on his VKontakte page in July 2015 publicly accessible texts that incited hatred and hostility towards the law enforcement officials and “*the opponents of Fascism*.” We view this verdict as inappropriate, because anti-fascists do not belong to vulnerable population groups and the law enforcement personnel is already protected by other Criminal Code articles.

In 2016, we learned about two new court cases related to inciting hatred against representatives of social groups that, in our view, need no special protection. A 29-year-old resident of Tula was charged under Part 1 of Article 282 for posing materials, “*humiliating dignity of the Great Patriotic War veterans and the Red Army soldiers*” on his VKontakte page. Gorokhovets resident Michael Pokalchuk (the Vladimir Region), like the aforementioned resident of Yaroslavl, was prosecuted for inciting hatred against the anti-fascists.

Several new cases related to incitement of hatred against the law enforcement officers were initiated in 2016: Evgeny Domozhirov, who headed the Vologda branch of the Party of Progress, Shamil Kazakov of Tver (his charge under Article 282 of the Criminal Code was dropped already in court) and ultra-right activist Dina Garina from Saint Petersburg (the court returned this case to the prosecutor’s office in February 2017).

In Kazan, Danis Safargali, the leader of Altyn Urda [the *Golden Horde*] Tatar Patriotic Front, was accused of many counts of inciting hatred based on the fact of his 15 publications on VKontakte. We believe that these charges are at least partially inappropriate. Criminal responsibility for criticizing or insulting the president of Russia, the authorities or the media is inappropriate, since neither of these categories represent a vulnerable group in need of protection under anti-extremist legislation. Charges of incitement to national and religious enmity against Safargali are not too convincing either. Perhaps, the true reason for the prosecution against Safargali was his involvement in a domestic conflict with the owners of the dormitory, where he had worked as a manager.

### Prosecutions for Extremist Symbols

In 2016, we recorded 17 cases of imposing sanctions for demonstration of Nazi or extremist symbols that obviously were not intended as dangerous propaganda – approximately half as much as a year earlier. Article 20.3 of the Code of Administrative Offences (propaganda or public demonstration of Nazi attributes or symbols, as well as symbols of extremist organizations) was utilized to improperly fine and/or subject to administrative arrest not only users of social networks using

Nazi symbols in the heat of controversy to expose opponents, but also antiques dealers or even random citizens. Often, this article was used to exert pressure on activists that fell out of favor with the authorities. For example, in October, the Sortavala Town Court issued a fine of one thousand rubles to Vitaly Rystov, a local historian and the art director of the *Serdobol* anthology, under Part 1 Article 20.3 of the Administrative Code (public display of Nazi symbols). Rystov was charged for publishing three historical posters with swastikas on his VKontakte page. He denied his guilt, stating that he had saved the posters on his page for professional purposes and had not been aware that strangers could see it. Judging by the content of his account, Rystov adheres to leftist-patriotic views, and there are no reasons to suspect him of supporting Nazi ideology. On the other hand, the media reports a number of conflicts between Rystov and the city authorities in connection with his position on protecting the Sortavala cultural heritage sites.

### Incidental Victims of Inappropriate Anti-Extremism

As in previous years, people and organizations that are clearly not related to any radical activity continued to become victims of inappropriate enforcement of anti-extremist legislation in 2016.

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

As you may remember, prosecutors charge libraries with a variety of offences from presence of banned materials (usually books) in their collections (despite the fact that libraries have no legal ground for de-accessioning these materials) to the text of libraries’ bylaws that fails to mention the ban on dissemination of extremist materials.<sup>11</sup>

According to our admittedly incomplete data,<sup>12</sup> at least 281 instances of unlawful sanctions against library management were reported in 2016, including school libraries (vs. at least 322 in 2015).

<sup>11</sup> A detailed list of possible charges can be found in our report: A. Verkhovsky. Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2011 // V. Alperovich, A. Verkhovsky, O. Sibireva, and N. Yudina. Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2011. Moscow: SOVA Center, 2012 (<http://www.sova-center.ru/en/misuse/reports-analyses/2012/04/d24302/>).

<sup>12</sup> We are sure that we never find out about the majority of sanctions imposed. Often, we know about the series of inspections, which was conducted and resulted in sanctions, but the number of warnings and other acts of prosecutorial response is not reported. In such cases, we counted the entire series as a single instance.

Some actions of law enforcement officers in the framework of anti-extremist legislation can be explained only by their desire to improve their reporting statistics in the field of combating extremism. This, in particular, pertains to warnings about the impermissibility of violating the law on extremism, issued by law enforcement agencies to the organizers of mass events and public gatherings whether or not the event participants are inclined to radical actions.

## The Internet and Anti-Extremism

In 2016, Russian authorities continued to actively use the existing tools for blocking online content. As we mentioned before on multiple occasions, both selection criteria and blocking mechanisms give reasons for serious concerns.

### General Blocking Practices

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

According to the data available to us (only Roskomnadzor maintaining the Registry has the full information), at least 486 resources blocked for “extremism” by the courts were added in 2016, vs. 283 in 2015; thus, the growth rate of the Registry has increased significantly. Information about specific resources on the Registry can be found in the SOVA Center’s report on racism and xenophobia for 2016.<sup>13</sup>

Websites and webpages, subject to restrictions under Lugovoy’s Law and added to a special registry on the Roskomnadzor website (created in addition to the Unified Registry of Banned Materials), should be mentioned separately. The law allows the Prosecutor General’s Office to demand that Roskomnadzor immediately block websites containing “*calls for mass riots, undertaking extremist activities, inciting interethnic and (or) inter-confessional enmity, participating in terrorist activities, participating in public mass actions carried out in violation of the established order.*” In our opinion, extra-judicial restrictions of users’ access to websites violate the right to freedom of speech and information. It must also be taken into account that the requirements of the Russian law on rallies run contrary to the right to freedom of assembly.

<sup>13</sup> See: Alperovich Vera, Natalia Yudina. Old Problems and New Alliances. Xenophobia and Radical Nationalism and Efforts to Counteract them in 2016 in Russia.

According to the data available to us (only Roskomnadzor has the complete information), the Registry of resources blocked under Lugovoy’s Law increased by at least 923 items in 2016. Only 133 new entries were added in 2015, which means that the growth rate of this registry increased even more than the other ones. You can find more detailed information about the number and character of the blocked sites from the above-mentioned 2016 report on racism and xenophobia.

We view unfounded restrictions on oppositional materials, announcements of oppositional actions, as well as inappropriately banned religious materials, materials of nationalists, analysis of the Ukrainian situation, materials of a comic or satirical nature as inappropriate. We are also concerned about the mass blocking of any information related to the persecution of adherents of the radical Islamist party Hizb ut-Tahrir in Russia.

In addition, it is worth noting that, in 2016, Russian courts issued decisions on blocking dozens of anonymizing websites based on prosecutorial claims. As a rule, prosecutors justify their demands by the fact that, with the help of such services, Internet users can access extremist materials. However, the anonymizers, in and of themselves, contain no forbidden information. Meanwhile, access to prohibited materials can be achieved through other tools, including conventional search engines, since they can’t be completely removed from the global network, but this possibility can’t be used as a basis for cutting off access to search engines. Similarly, the fact that printing houses can theoretically print extremist materials can’t be used as a basis for closing them down.

### Selected Examples of Access Restrictions

Details on several noteworthy cases of bans and blocking of webpages are provided below.

In early February 2016, Roskomnadzor added a YouTube page with Pavel Bardin’s movie *Russia 88* to the list of banned websites, thus blocking it on the territory of Russia. This 2009 movie about neo-Nazis, anti-fascist in its ideology, was shown in Russia and received various cinematic prizes. The decision to block it was issued by the Naryan-Mar City Court of the Nenets Autonomous District, based on a claim by the local prosecutor’s office. The grounds for blocking were as follows: in 2012, the Leninsky District Court of Kemerovo banned a xenophobic video *Russia 88 (Babulka)* based on assembled scenes from Bardin’s movie. The Naryan-Mar Prosecutor asked the court to block the banned video, posted on YouTube and Yapfiles.ru as well as on VKontakte; the court also demanded that Bardin’s movie be blocked as containing fragments of the extremist video. In accordance with the usual practice in such cases, the filmmakers were not involved in the trial, and the court satisfied the prosecutorial

request. Responding to the ensuing media resonance, Roskomnadzor appealed to the Prosecutor General's Office, arguing that the Naryan-Mar Court decision was problematic; it was subsequently overturned. The mechanism used by the Prosecutor General's Office to allow Roskomnadzor not to execute the court decision is not known.

Also in February, the Russian-language information and analytical portal *Voice of Islam (Golos Islama)*, based in Turkey, was blocked upon request of the Prosecutor General's Office. Lawyers, representing the interests of the portal, managed to prove that Roskomnadzor had violated the law, since, after blocking the site upon request of the Prosecutor General's Office, the agency failed to notify the editorial board specifically what materials should be removed for the restrictions to be lifted (also a common practice). The Prosecutor General's request to Roskomnadzor to block the Voice of Islam stated "*The publications posted on the main newsfeed and in other sections of the website exhibit biased presentation of the material and hostile attitude towards certain social groups, in particular, towards representatives of law enforcement, government bodies and the leadership of the Russian Federation, and also toward Russia's foreign and domestic policies.*" Pro-Turkish material about the Kurds, an article criticizing Assad, and an article about the persecution of Muslims in Russia were cited as examples. Having identified the objectionable materials in the course of this court case, the editorial board deleted them from the pages of the portal, and it was unblocked in July.

In the same month of February, the hosting provider of the Roskomsvoboda project (rublacklist.net) received a notice from Roskomnadzor informing that one of the Roskomsvoboda pages had been included in the Unified Registry of Banned Websites. The page on the Roskomsvoboda website that provided information on the ways to bypass online access restrictions was banned by the decision of the Anapa City Court, which ruled that it could provide citizens with "*access to prohibited materials, including extremist materials.*" The Krasnodar Regional Court upheld this decision. Information on the ways to restore one's access to information is not legally prohibited for distribution in Russia, so the decision to block the Roskomsvoboda webpage was inappropriate. The Roskomsvoboda administrators decided to replace the contents of the banned page with the scanned report of the Ministry of Communications, which also lists the tools for circumventing the restrictions. Subsequently, official Roskomnadzor representative Vadim Ampelonsky said that the court decision was considered fulfilled, and the resource was taken off the Registry.

In March 2016, SOVA Center received two letters from the Roskomnadzor, which reported that, according to the decisions of the Leninsky District Court of Kirov and the Kumensky District Court of the Kirov Region, two pages of

the SOVA website contain illegal information and should be deleted, otherwise the site would be blocked. The information in question was a two-page reference book, created back in 2008 as part of a joint project of SOVA Center and Swedish EXPO anti-racist research center and magazine. The reference book was a Russian adaptation of *Far-Right Movements and Their Symbols*, a work by Swedish researcher Hakan Gestrin, published in Stockholm in the autumn of 2007, supplemented by the chapter on symbols used by Russian right-wing radicals. Like many similar reference books in other countries, this work is addressed primarily to teachers, police officers and other people facing ultra-right manifestations, primarily in the youth environment, and in need of factual knowledge on this subject, including the symbols being used. The standardized Roskomnadzor missives provided no information on exactly what violations of the law the courts found in the reference book, but, presumably, these had to do with Nazi symbols, prohibited by the Russian law for any kind of display regardless of whether or not it was aimed at propaganda of Nazism. To avoid access restrictions, SOVA Center had to delete the reference material, leaving only a link to the page on another site that posted it.

Below we would like to provide some examples of information, related to public activities held without permits, blocked under Lugovoy's Law. We believe that the provision of the Lugovoy's Law on blocking information about public events clearly limits freedom of speech — the fact that the event have received no permit (or simply have not yet received its permit) gives no grounds for banning communication about it. The requests to block events that do not require official coordination are even more problematic.

In February 2016, upon request of the Prosecutor General's Office and Roskomnadzor, the website of the Open Russia movement deleted from its pages the article *Short Memory. The City Administrations Refuse to Coordinate the Actions in the Memory of Boris Nemtsov*. According to the overseeing agencies, the text contained "*calls for mass riots, carrying out extremist activities, participation in mass (public) events, conducted in violation of the established order.*" These claims were obviously related to the fact that the article dedicated to the events in the memory of Boris Nemtsov, murdered a year earlier in Moscow, cited the words of the Nizhny Novgorod activists, who were urging citizens to attend the memorial action in the city center, despite the absence of the official permit.

In October 2016, the social network VKontakte blocked the page of the meeting called "March against Hate-2016" upon request of the Prosecutor General's Office. It was reported earlier that the Saint Petersburg authorities had refused the permit to hold another March against Hate in the memory of Professor Nikolai Girenko, killed by neo-Nazis in 2004. Having received a refusal from

the city authorities, the activists, via the channels available to them, expressed their intention to hold the event in the format of a walk.

### Other Sanctions

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

Schools and libraries still often face the prosecutorial wrath. As you may remember, all their computers are supposed to be equipped with filters restricting access to the forbidden information, including extremist materials. If the protection system does not work or works inadequately (and ideal filters simply do not exist), prosecutors issue their motions not to software developers and vendors, but to administrators of educational institutions and libraries; as a result, the “culprits” are brought to disciplinary responsibility.

The number of inspections in schools and libraries in 2016 and various acts of the prosecutor’s response based on their results stands at 59 – approximately one-fifth of the 2015 number (344). Our information is certainly incomplete, but it reflects the downward trend in the number of sanctions; obviously, educational institutions took note of the prosecutorial requirements and tightened their control over content-filtering systems.

### Mass Media and Anti-Extremism

Activities of the Federal Service for Supervision of Communications, Information Technology and Mass Communications (Roskomnadzor) related to oversight of the mass media remained opaque in 2016. Starting in 2014, Roskomnadzor no longer publishes on its website the list of warnings issued to founders and editors-in-chief of media outlets for violation of Article 4 of the Law on Mass Media (including those related to the “extremism prevention”). As reported by Roskomnadzor, it issued 64 warnings to media outlets in 2016, half of them related to the use of obscene language.<sup>14</sup>

We have information on just one media warning “for extremism” – the regional department of Roskomnadzor in Kaliningrad issued a warning to the publisher of the newspaper *The New Wheels of Igor Rudnikov* [*Novye Kolyosa*

<sup>14</sup> Roskomnadzor: In 2016 Regional Media Received Warnings for Obscene Language // Rossiyskaya Gazeta. 2016. 17 December (<https://rg.ru/2016/12/17/roskomnadzor-v-2016-godu-preduprezhdeniia-za-mat-poluchali-regionalnye-smi.html>).

*Igoria Rudnikova*] in May 2016. The department decided that the article *The Count-Surgeon from Königsberg*, published by the newspaper “creates a negative image of Soviet soldiers who took part in the Great Patriotic War and contains information expressing obvious disrespect to the days of Russia’s military glory,” possibly corresponding to a criminal act stipulated by Article 354<sup>1</sup> Part 3 of the Criminal Code. The published material in question is based on the memoirs of Hans von Lehndorff, a surgeon, who worked in Königsberg and claimed in his memoirs that Soviet soldiers, liberating the city, looted and raped patients and hospital staff. In November 2016, the Central District Court of Kaliningrad recognized the warning as legally inappropriate. The court noted that April 9 (the day of the liberation of Königsberg, on the eve of which the article was published) was not featured on the list of memorable dates or the days of Russia’s military glory; the Victory Day was not mentioned in the article, the material contained no negative information about it, and the author does not belittle heroic deeds of Soviet soldiers.

As in the preceding year, the Internet publication 7x7 was fined in 2016 under Article 13.15 of the Administrative Code in Syktyvkar. This time, 7x7 was sentenced by the decision of the Magistrate Court of the Kutuzovsky Court District, upheld by the Syktyvkar City Court, to a fine of 200 thousand rubles under Part 4 of this article (public desecration of symbols of Russia’s military glory, committed with the use of mass media and (or) of the Internet). The charges were based on the publication of an interview with blogger Ilya Varlamov. Varlamov was asked some questions from the test, composed by Meduza news portal; one of the questions had to do with to the local nickname for the Syktyvkar Eternal Flame memorial. The expert council of the regional Roskomnadzor department decided that the fact of mentioning this moniker (*Women frying a crocodile*) was desecrating it as a symbol of military glory; subsequently, the agency went to court. Both hearings were held without representatives of the editorial board. We believe that ironic references to the folk nickname of the memorial, which merely mocks the appearance of a sculptural group, do not constitute a desecration of a symbol of military glory, and that the prosecution of 7x7 was not legally appropriate. The Supreme Court of the Komi Republic overturned the decision of the lower courts in June, although de-facto never considering the case on its merits. The higher court preferred to base its decision on the fact that the fined legal entity – the founder rather than the editorial board of the publication – couldn’t interfere in the activities of the Internet magazine and can’t be viewed as a distributor of the controversial information.

## A Bit of Statistics

According to the data collected by SOVA Center, 19 verdicts against 44 individuals were issued in 2016 for violent crimes motivated by hatred; 181 verdicts against 198 individuals were issued for actual hate propaganda (here, as always, we need to clarify that, with respect to some of the cases, we don't have sufficient information to assess the legitimacy of the sentences, and in some cases we can say that incriminating statements were xenophobic, but clearly presented no significant social danger). Five verdicts against six individuals were issued for ideologically motivated vandalism.<sup>15</sup>

The number of people with obviously inappropriate convictions was much smaller.<sup>16</sup> Let us review these sentences grouped by the relevant Criminal Code articles (the details of these cases are reviewed in corresponding chapters of this report).

We view as inappropriate 10 verdicts to 10 persons issued in 2016 under Article 282 (in our comparable 2015 report we wrote about 7 verdicts to 7 persons). These include the sentences to housewife Ekaterina Vologozheninova from Yekaterinburg and retired sailor Vyacheslav Kuteynikov from Rostov-on-Don for publishing pro-Ukrainian materials on social networks, to teacher Semyon Tykman from Yekaterinburg for his statements at school against the Germans and the Orthodox believers, to student Alexander Razhin from Omsk for using obscene language with regard to the Orthodox believers following the cancellation of the Marilyn Manson concert, to Maxim Kormelitsky from Berdsk, for similar statements regarding Orthodox believers bathing in the ice-hole on the Epiphany Day, to sportsman Said Osmanov from Dagestan convicted in Elista for inciting ethnic hatred after desecrating the Buddha statue, to twenty-year-old Muscovite Yevgeny Kort for publishing a xenophobic image on a social network, to a Yaroslavl resident accused of inciting hatred against the anti-fascists and the law enforcement officers on a social network, to Khasavyurt imam Magomednabi Magomedov for his sermon critical of the authorities and the communists in relation to closing down of Salafi mosques, and to Mukhidin Yusupov from Moscow, who called for a war in Syria and scolded law enforcement officers in a prison cell, rather than in a public space. In addition, we have serious doubts with regard to the criminal prosecution of blogger and media manager Anton Nossik, convicted of inciting hatred toward the Syrians. Two Jehovah's Witnesses from

<sup>15</sup> More in: Alperovich Vera, Yudina Natalia. Old Problems and New Alliances. Xenophobia and Radical Nationalism and Efforts to Counteract them in 2016 in Russia.

<sup>16</sup> It should be noted that in speaking of appropriate and inappropriate verdicts, we focus only on the merits; in most cases, we omit discussion of possible procedural violations.

Sergiev Posad, Vyacheslav Stepanov and Andrei Sivak, were acquitted in the case of inciting religious hatred; however, the higher court sent the case for retrial.

We consider 22 criminal cases brought against 22 people under Article 282 of the Criminal Code in 2016 inappropriate, or at least we doubt their legitimacy. This is twice the number of such cases recorded in the preceding year, coming close to the 2014 data. However, four of these cases were dropped, and, in one case, the prosecution under Article 282 has been withdrawn in court.

According to our data, three inappropriate verdicts against 4 people were issued in 2016 under Article 148 Part 1 of the Criminal Code for insulting the feelings of believers: Konstantin Kazantsev and Rustem Shaydullin, residents of the Kirov Region, were convicted for hanging a homemade scarecrow with an insulting inscription on a high cross; Sergei Lazarov from Orenburg – for harsh epithets used in the text he had shared online about the image of Christ the Pantocrator; Anton Simakov from Yekaterinburg – for using Christian symbols in the voodoo ritual of his own invention, which had been recorded and posted online (Simakov was sentenced to mandatory mental health treatment). A new case under this article, opened against videoblogger Ruslan Sokolovsky from Yekaterinburg for publishing atheistic videos, has attracted significant media attention.

Two inappropriate verdicts were issued in 2016 under Article 354<sup>1</sup> of the Criminal Code (justification of Nazism), both based on the social network publications: nationalist Vladimir Luzgin from Perm was convicted for his loose interpretation of the meaning of the Molotov-Ribbentrop pact and for his controversial statements about the history of the Bandera movement, while Minusinsk resident G. Nazimov was convicted for an image that, according to the law enforcement, insulted the St. George ribbon. We have no information on any new cases inappropriately initiated under this article in 2016.

Only one verdict was inappropriately issued under Article 280 of the Criminal Code in 2016. Astrakhan nationalist Igor Stenin received a real prison term for incitement to liquidation of the certain “Kremlin invaders” on the Ukrainian territory (six people were convicted under this article in 2015). We have doubts regarding one new case opened in 2016 under this article.

One inappropriate sentence (vs. 4 verdicts against 4 persons in 2015) was issued in 2016 under Article 280<sup>1</sup> of the Criminal Code (calls for separatism) to Tver resident Andrei Bubeyev for sharing Boris Stomakhin's article about Crimea. At least 3 new cases against 3 people were inappropriately initiated under this article (vs. 4 against 4 in 2015).

In 2016, as in the preceding year, the courts did not issue any wrongful convictions under Article 282<sup>1</sup> and did not open any cases for this article inappropriately.

One inappropriate sentence was pronounced under Article 282<sup>2</sup> of the Criminal Code in 2016 (there were 5 such persons in the preceding year) for studying

the books by Said Nursi; Yakov Tselyuk from Chelyabinsk was convicted of involvement in non-existent, but nevertheless banned, Nurcular organization. Six new cases under this article against 10 people were initiated inappropriately (we recorded 3 such cases in 2015), while one previously initiated case against six Jehovah's Witnesses from Taganrog was closed.<sup>17</sup>

Separately, outside of our general statistics, we would like to note the sentences to followers of Hizb ut-Tahrir, which we consider inappropriate in the part covered by the anti-terrorist articles (205<sup>2</sup> or 205<sup>5</sup>). In 2016, we recorded 19 such verdicts against 37 people. A year earlier, there were 8 verdicts against 19 people, i.e. the number has doubled in comparison to 2015. In two of these cases, eight people also faced charges under Article 30 Part 1 and Article 278 of the Criminal Code – that is, preparing for government takeover – also inappropriately, in our opinion.

According to our information, there were no inappropriate sentences passed under Article 213 of the Criminal Code (“Hooliganism”) aggravated by the hate motive in 2016, and no new cases were initiated.

One inappropriate verdict was issued under Article 214 of the Criminal Code (“Vandalism”), in which the motive of hatred was not imputed. The sentence in question was issued to the actionist Pyotr Pavlensky for his “Freedom” action performed in 2014 in support of the Ukrainian Euromaidan. We have no information on any new cases inappropriately initiated in 2016 under this article.

So, the total of 19 inappropriate sentences against 20 people was issued under anti-extremist criminal articles in 2016, fewer than in the preceding year (24 verdicts against 29 people). At the same time, we know of at least 32 new criminal cases initiated during the review period without due cause, exceeding the 2015 number of 24 newly opened inappropriate cases; this is a cause for concern, since we see no signs of improvement in the quality of investigations.

Before proceeding to our data on use the Administrative Code articles aimed at combating extremism, we would like to remind that it is much less complete than our information in the area of criminal prosecution.

We know of at least 36 unlawful sentences (vs. at least 47 in 2015) against 26 individuals and 10 legal entities for mass distribution of extremist materials or for storage with intent to distribute – that is, under Article 20.29 of the Ad-

<sup>17</sup> In addition, 4 sentences under Article 2822 of the Criminal Code (in conjunction with other articles of the Criminal Code) were issued in 2016 against 12 followers of Hizb ut-Tahrir, but we do not include them in our statistics of inappropriate verdicts, because we consider the prosecution of members of this party for participation in an extremist organization controversial, but acceptable.

ministrative Code – in 2016. We know that in 35 of these cases courts imposed fines, an administrative arrest in one case, and suspension of activities in one additional case. Defendants facing administrative responsibility included Muslims, Jehovah's Witnesses, public activists, prison inmates, employees of the Federal Penitentiary Service of Russia, and a bookshop owner. As a rule, these people did not engage in actual mass dissemination of prohibited materials.

At least 12 individuals and legal entities – owners of cafes, computer clubs, school administrations – were inappropriately fined for low quality of their content filtering under Article 6.17 (“Violation of the legislation on the protection of children from information that is harmful to their health and (or) development”). In 2015, 17 individuals and legal entities were fined under this article.

Sanctions for public demonstration of Nazi or other prohibited symbols, that is, under Article 20.3 of the Administrative Code, were inappropriately imposed on 17 individuals in 2016 (we recorded 39 such offenders in 2015). Fifteen individuals were fined; two were subject to administrative arrest.

The Federal List of Extremist Materials increased by 785 entries in 2016, vs. 667 entries in 2015. Thus, the growth rate of the List has increased again, although most of the growth took place in the first half of the year. However, we note that the trend towards increasing the number of materials within each entry – typical for 2015 and complicating any work with the List – has declined significantly; this change is probably connected to the increase in new entries. We consider the following materials to be inappropriately included on the list: at least eight entries that contain various non-dangerous oppositional and nationalist materials, seven entries containing various Muslim materials, five entries with materials of Jehovah's Witnesses, two entries containing materials of the True Orthodox Church, one entry with journalistic material, erroneously classified as inflammatory by the court, one historical essay and one entry with a pseudo-historical document. The above cases add up to the total of 25 entries, in comparison with 44 clearly inappropriate entries added in 2015. At least 6 entries consisted of Hizb ut-Tahrir materials, banned by association with the ban on the party, whether or not they contained dangerous incitement. We emphasize that we are not familiar with all the materials on the list, and the materials with content unknown to us could have also been banned inappropriately.

## Crime and punishment statistics

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

Data as of March 12, 2017

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

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

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

We have not included victims of death threats.

In 2010 we have reports about 6 persons who received such threats and in 2011 – 10, in 2012 – 2, in 2013 – 3, in 2014 – 2, in 2015 – 4, in 2016 – 8, in 2017 – 3.

2010		2011		2012		2013		2014		2015		2016**	
K	B	K	B	K	B	K	B	K	B	K	B	K	B
<b>44</b>	<b>421</b>	<b>27</b>	<b>213</b>	<b>20</b>	<b>196</b>	<b>24</b>	<b>206</b>	<b>36</b>	<b>134</b>	<b>12</b>	<b>96</b>	<b>9</b>	<b>72</b>
1	28	1	19	0	26	0	7	0	15	0	6	1	0
20	86	10	38	8	38	15	62	14	30	5	7	2	22
5	45	8	18	4	15	3	28	3	14	0	8	2	1
0	2	0	5	0	2	0	1	0	6	1	3	0	0
3	19	0	15	0	5	0	7	1	5	0	2	1	4
7	104	1	26	1	15	0	32	2	8	0	10	1	7
3	67	1	40	1	57	0	7	0	16	0	17	0	6
1	3	3	3	6	2	2	3	13	1	3	8	1	1
1	8	1	9	0	5	0	3	0	5	0	0	0	0
0	3	1	2	0	0	0	2	0	1	2	1	0	3
0	22	0	24	0	10	0	21	2	12	0	18	0	20
0	3	0	3	0	12	2	25	0	9	0	9	1	4
3	31	1	11	0	9	2	8	1	12	1	7	0	4

\*\*\* Murders or attacks on homeless people, which we or the law enforcement bodies suspect to be committed by an ideological motive, are included in the tables since 2007. Besides that, we know about 10 murdered homeless people in 2004, 5 murdered and 4 beaten in 2005, and 7 murdered and 4 beaten in 2006. Ethnic Russians, Jews, Religious groups and LGBT were included into “others” before 2007.

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

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

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

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

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

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

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

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

Year	Number of offenders convicted and punished			
	Violence	Incitement	Vandalizing	Participation in a group
2004	26/0/0	3/0/0	-	3/2/0
2005	56/0/0	15/2/0	-	2/18/19
2006	109/0/0	20/2/0	-	15/1/3
2007	65/0/0	41/0/5	5/0/0	4/0/27
2008	110/0/0	70/3/0	7/0/0	10/0/14
2009	130/0/2	77/4/0	19/0/0	9/25/2
2010	297/0/0	87/9/5	21/0/1	34/7/14
2011	194/4/7	84/7/1	15/0/0	26/12/19
2012	68/4/3	96/10/1	7/0/0	7/22/10
2013	55/1/0	126/7/10	10/0/0	8/16/11
2014	47/0/6	153/4/7	6/0/0	14/21/22
2015	58/1/0	206/15/8	14/1/0	24/43/6
2016***	42/2/0	192/15/5	4/1/0	19/37/0

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