

SOVA CENTER FOR INFORMATION AND ANALYSIS

Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2018

A collection of annual reports

by the SOVA Center for Information and Analysis

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This collection of reports summarizes all the major areas of work addressed by the
SOVA Center for Information and Analysis in 2018.

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

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

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

The appendix provides details about hate crimes and the prosecution of “extremist
crimes”. All data were compiled at February 18, 2019.

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reports was also made possible by the financial support provided by European Union.

SOVA Center expresses its gratitude to all the donors and points out that responsibility
for the content of the reports lies with their authors.

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

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

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Natalia Yudina

Far Right and Arithmetic: Hate Crime in Russia and Efforts to Counteract It in 2018

This report by SOVA Center is focused on the phenomenon known as hate crimes – that is, on ordinary criminal offenses committed on the grounds of ethnic, religious or other similar enmity or prejudice¹, and on the efforts by the state to counteract them.

Summary

According to the monitoring data of SOVA Center, the number of racist and neo-Nazi motivated attacks remained relatively small in 2018 and, possibly, has even continued to decline. We assume that this decline is due primarily to the drop in the attacks against “ethnic outsiders.” The trend does not hold for “ideological opponents,” if we take into account the attacks by pro-government nationalists against those viewed as the “fifth column” (including a rather exotic incident of Cossacks beating up the rally participants with their nagaika whips). We also recorded an unexpectedly large number of attacks against the homeless, although most of these were violent attacks are documented in a single video created by the neo-Nazis, who called themselves “the orderlies” (*sanitary*).

In recent years, we have observed repressive state policies actively applied to classic racist hate crimes and to neo-Nazi groups in general. This development was partially related to the events in Ukraine and, in 2018, related also to the preparations to and hosting of the FIFA World Cup. As a result, ideologically motivated violence has not been growing; it might even be in decline and is obviously shifting to different groups of victims – the ones, whom the state is less

inclined to protect for one reason or another. There is a widespread suspicion that the authorities, in fact, approve of such violence against certain groups (the so-called “fifth column”).

The activity levels of vandals motivated by religious, ethnic, or ideological hatred have also declined. However, this drop is likely explained by the disappearance of a popular target – Jehovah’s Witnesses buildings – that have all been confiscated.

As for the law enforcement practice, the number of people convicted for hate-motivated attacks was higher than a year earlier. In general, legal qualifications in sentencing have been improving in this law enforcement area. The only issue that raised serious doubts was the qualification in the sentence to Alexander Zenin, the organizer of the murder of anti-fascist Timur Kacharava. The number of offenders convicted for crimes against property has decreased, but the dynamics here are unstable, probably due to the dual nature of such crimes and the possibility of classifying them under Article 282 of the Criminal Code.

We see that hate crimes have been kept at a relatively low level in recent years, the law enforcement in this area has reached a certain, quite decent, level of efficiency. However, no further significant improvement has occurred. Of course, it can be argued that this observed stagnation is due to the impossibility of complete eradication of an entire category of crimes, but we assume that the latency of hate crimes still remains high, and there is still considerable space for progress in the spheres of investigation and legal qualification.

Systematic Racist and Neo-Nazi Violence

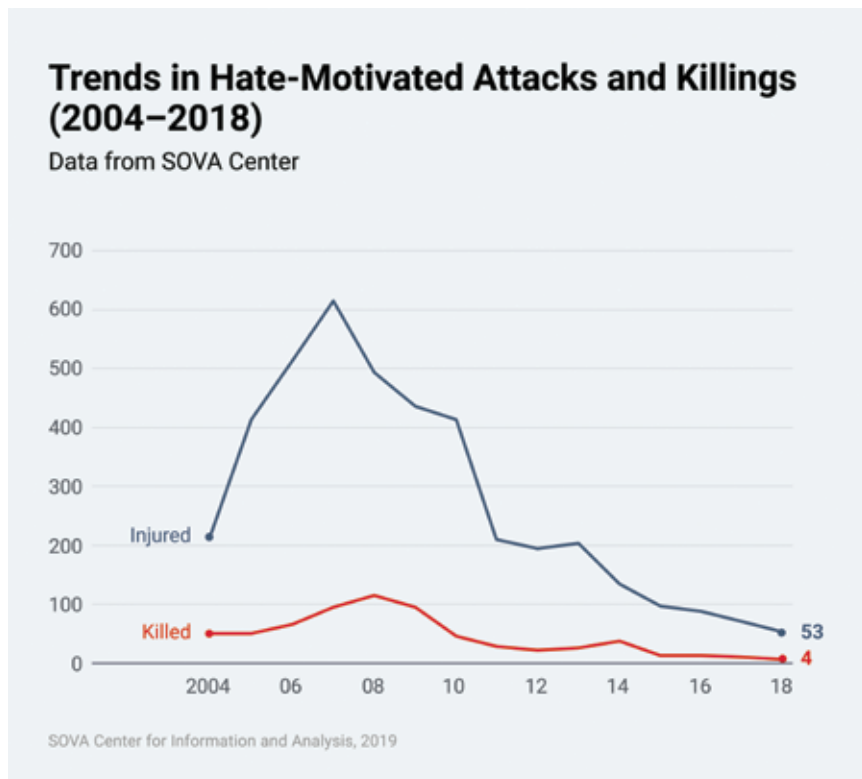
At least 57 people suffered from racist and other ideologically motivated violence in 2018; at least 4 of these died, the rest were injured. These numbers do not include the victims in the republics of the North Caucasus and in the Crimea, where our methods, unfortunately, are not applicable. Our statistics continues to indicate a decrease in the number of serious ideologically motivated attacks – 9 people died, 69 were injured in 2017.² Of course, our 2018 data is still far from final, and, unfortunately, these numbers will inevitably grow,³ since, in many cases, the information only reaches us after a long delay.

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

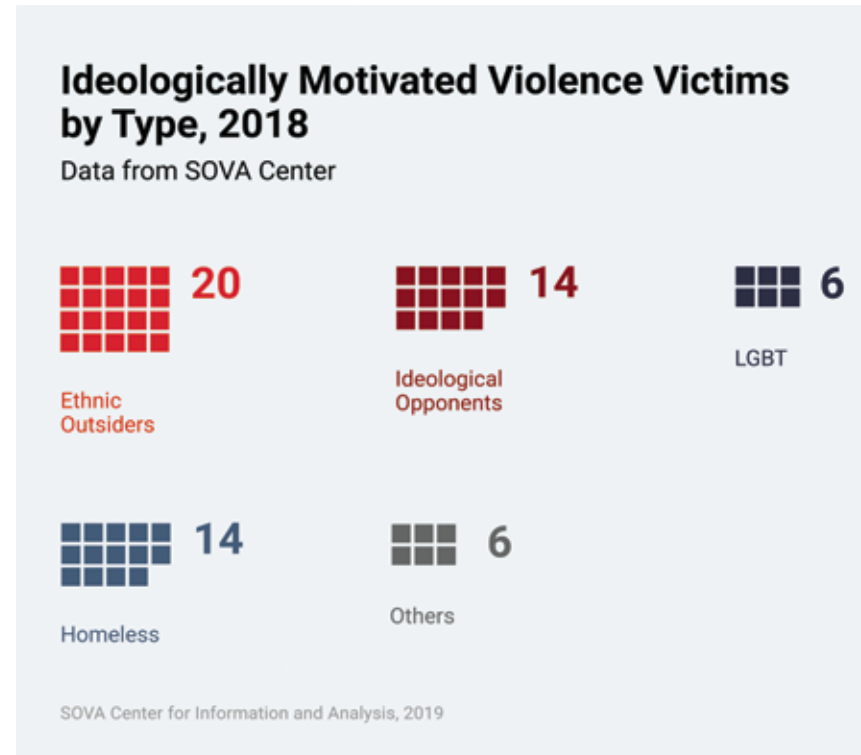
²rkhovsky, Alexander. Criminal Law on Hate. Crime, Incitement to Hatred and Hate Speech in OSCE. Participating States. The Hague: 2016 (available on the SOVA Center website: <http://www.sova-center.ru/files/books/osce-laws-eng-16.pdf>).

² Data for 2017 and 2018 is cited as of January 8, 2019.

³ Our similar report for 2017, for example, reported 6 dead, 71 injured. See: Yudina, N., Xenophobia in Figures: Hate Crime in Russia and Efforts to Counteract It in 2017. 2018. 12 February, (<https://www.sova-center.ru/en/xenophobia/reports-analyses/2018/02/d38830>).



It should be borne in mind that data collection is becoming increasingly difficult year after year. Russia collects no official statistics on hate crimes. In the last few years, the media either fails to report such crimes at all, or describes them in such a way that a hate crime is almost impossible to identify. For example, for the past several years, the St. Petersburg media outlets have been reporting dead bodies of migrants with knife wounds found on the streets. The reports consist of one short line without any details, so we are unable to make any inferences about the circumstances of these people's deaths. Victims are also not at all eager to publicize their incidents; they rarely report attacks to non-governmental organizations or the media, let alone the police and law enforcement agencies, since they expect such complaints to result in very little help and almost inevitably cause problems. Meanwhile, attackers, who used to brag about their "achievements" online, have grown more cautious in the wake of more active law enforcement pushback and widely publicized trials of



the ultra-right militants in recent years. Quite often, we only learn about the incidents several years after the fact.

Thus, our quantitative conclusions are purely preliminary, and it might be possible that, in the end, we will be seeing a small increase in the number of victims, rather than the current small decrease. Evidently, it would be more accurate to say that the number of victims has remained fairly stable over the past four years (see the table in the Appendix). This number is, of course, an order of magnitude lower than it was a decade ago, but still, the current level of ideological violence cannot be deemed insignificant.

The attacks of 2018 occurred in 10 regions of the country (vs. 20 regions in 2017). The levels of violence in Moscow (2 killed, 28 injured) and St. Petersburg (1 killed,⁴ 10 injured) traditionally top the list.

⁴ One person was killed in the preceding year as well.

In 2018, a number of regions disappeared from our statistics (the Belgorod, Kirov, Orenburg, Oryol, Rostov, Tula, Chelyabinsk, Yaroslavl, Trans-Baikal, Krasnodar, Perm and Khabarovsk regions, the republics of Mari El, Mordovia and Tatarstan), but on the other hand, crimes were reported in several new places, which were not on our radar in 2017 (the Kaluga Region, the Kursk Region, the Tyumen Region and the Samara Region).

According to our data, besides Moscow, St. Petersburg and the Moscow Region, the centers of racist violence for the last ten years can also be found in the Volgograd, Voronezh, Kaluga, Novosibirsk, Samara, Sverdlovsk and Trans-Baikal regions, and the Republic of Tatarstan. Relevant crime reports appear in these regions almost every year. However, we cannot exclude the possibility that the law enforcement agencies of these regions are simply better at communicating with the public and the media and provide more complete information about the situation.

Attacks against Ethnic “Others”

People, perceived by their attackers as “ethnic outsiders,” still constituted the largest group of victims, although their numbers have been decreasing year after year. We recorded 20 ethnic attacks motivated by ethnic considerations in 2018. In 2017, we reported 28 such victims.

Victims in this category include migrants from Central Asia (2 killed, 3 injured vs. 11 injured in 2017), dark-skinned people (1 person injured, same as in 2017),⁵ and individuals of unidentified “non-Slavic appearance” (12 injured vs. 7 injured in 2017), who, most likely, were also from Central Asia, since their appearance was described as “Asian” by eyewitnesses. Attacks against other “ethnic outsiders” accompanied by xenophobic slogans were reported as well. For example, a beating of a person, accompanied by anti-Chinese slurs, took place in Moscow.

In addition to the street attacks, we encountered several cases of group attacks in the subway and commuter train cars. For example, in June 2018, three videos from the so-called “white car” campaign appeared on the Internet; they show groups of aggressive young people beating up commuter train passengers of “non-Slavic appearance.”⁶

⁵ See: Kursk: A student from Nigeria was attacked // SOVA Center. 2018. 1 March (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2018/03/d38937/>).

⁶ New videos of the neo-Nazi “White Car” action appeared on the Internet // SOVA Center. 2018. 4 July (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2018/07/d39661/>).

The level of ordinary xenophobic violence remains unknown even approximately. These cases are usually qualified by the media and law enforcement agencies as incidents of ordinary hooliganism. Nevertheless, three to five such incidents are reported per year. Incidents such as the swastika and offensive statements found on the car of a migrant from Tajikistan or xenophobic graffiti on the pavilion owned by a migrant from Uzbekistan eloquently testify to the presence of xenophobic attitudes in Russian society.

The events that took place in August 2018 in the village of Urazovo in the Belgorod Region illustrate such prejudices even more vividly. About 150–200 Roma residents left the village in fear of pogroms. Their concerns proved to be justified. On the following day, several houses in the village, in which Roma families used to live, were set on fire. The flight and the arson were triggered by detention of a Roma man on suspicion of rape and murder of a nine-year-old local girl.⁷

Attacks against Ideological Opponents

The number of attacks by the ultra-right against their political, ideological or “stylistic” opponents increased slightly in 2018 bringing the number of injured victims to 14 (vs. 3 dead and 9 injured in 2017).⁸

This group of victims included representatives of youth subcultures – politicized (anti-fascists and individuals perceived as anti-fascists) as well as the ones with no specific political views (rappers, punks).

The victims of beatings in this group also included the individuals perceived by their attackers as the “fifth column” and “traitors to the Motherland,” such as protest participants and people standing guard at the Boris Nemtsov memorial. There were 4 such attacks in 2018, compared to 6 attacks in 2017. Nationalist pro-Kremlin groups, whose representatives that take part in such attacks, include, most prominently, the NOD (*Natsionalno osvoboditelnoe dvizhenie*, National Liberation Movement) and the SERB (South East Radical Block) led by Gosha Tarasevich (Igor Beketov).⁹ In addition to assaults and provocations against the picketers, the attackers also targeted the offices of alleged “traitors.”

⁷ Murder of a 9-year-old girl nearly triggered anti-Roma pogroms // SOVA Center. 2018. 7 August (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2018/08/d39822/>).

⁸ These attacks peaked in 2007 (7 killed, 118 wounded), and were in a constant decline since then, reaching a minimum in 2013 (7 wounded); the dynamics has been unstable since then.

⁹ For more details see: Vera Alperovich, Natalia Yudina. Pro-Kremlin and Oppositional – with the Shield and on It // SOVA Center. 2015. August 31 (<https://www.sova-center.ru/en/xenophobia/reports-analyses/2015/08/d32675/>).

Thus, in a single month of October, the SERB activists attacked the office of Lev Ponomarev's "For Human Rights" movement twice.

The two groups named above are not the only ones, whose representatives are known to have used violence against the opposition. A particular incident, which took place on May 5, received significant media attention. During Alexei Navalny's "He is Not Our Tsar" protest, people in Cossack uniform showed up and started beating up the event participants, also using their nagaika whips. The Cossacks of the Central Cossack Troops (*Tsentral'noe Kazach'e Voisko*) later confirmed that they had been present on Tverskaya Street during the action. However, the attackers also included the NOD activists dressed in camouflage uniforms and carrying a flag;¹⁰ they snatched protesters from the crowd and dragged down the opposition activists, who were trying to climb onto the pedestal of a monument.¹¹

The anti-Ukrainian rhetoric of recent years has also been bearing fruit. Attacks against Ukrainians are quite rare, apparently due to the fact that ethnic Ukrainians are hard to identify in a crowd. However, politicized anti-Ukrainian incidents do occur. Last year, we recorded two attacks related to the display of the Ukrainian flag. Both incidents took place in St. Petersburg. In one case, a passer-by attacked the activists of the St. Petersburg Solidarity and Democratic Petersburg movements, who were returning from the rally, carrying posters and unfurled Ukrainian flags.¹² The other incident was an attack against an activist of the Solidarity movement, who was standing in a solitary picket on the Anichkov Bridge with a Ukrainian flag and the poster "Freedom to the Political Prisoner."¹³

The Internet page of the Russian Imperial Movement (*Russkoie Imperskoie Dvizhenie*, RID) and in the online group "Veterans of Novorossiia" published threats against artist Sergey Zakharov, "a Kiev character distinguished by his anti-Russian and anti-DNR position." The nationalists called on their audience to come to the Sakharov Center (which conducted the festival "Muse of the Recalcitrant" and presented Zakharov's works)¹⁴ on May 1 for a "preventive

¹⁰ The action was also attended by nationalists from the other side of political spectrum. For details, see the report: Alperovich Vera. Prolonged Decadence: The Movement of Russian Nationalists in the Spring and Fall of 2018.

¹¹ Nationalists at the Protest of May 5 // SOVA Center. 2018. 8 May (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2018/05/d39325/>).

¹² St. Petersburg: Passer-by attacked activists because of the Ukrainian flag // SOVA Center. 2018. 21 August (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2018/08/d39869/0>).

¹³ In St. Petersburg, a passer-by attacked a solitary picketer // SOVA Center. 2018. 12 March (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2018/03/d38982/>).

¹⁴ Racism and xenophobia. Findings. April 2018 // SOVA Center. 2018. 29 April (<https://www.sova-center.ru/racism-xenophobia/publications/2018/04/d39295/>).

conversation". As a result, on May 1, several dozen people – including some men in Cossack uniform, some activists from the Lugansk People's Republic, several members of the Donbass Volunteers Union and SERB activists – tried to break into the Sakharov Center and started a fight.¹⁵

The issue of threats by the far right has never left the agenda throughout the year. In addition to the episodes mentioned above, ultra-right websites have published photographs, personal data and threats targeting independent journalists, law enforcement officers, prosecutors, and judges presiding over the nationalists' trials. In some cases (the Dina Garina case),¹⁶ the emphasis was placed on the "non-Russian names and surnames" of their relatives.

Threats against the "traitors" – defendants in group trials related to racist attacks, who testified against their "comrades-in-arms" – took place as well. Their personal information was published on the Internet. The actions were not limited to threats. The far-right Internet sites also posted video clips with scenes of brutal beatings. The Firstline Nevograd movement (a St. Petersburg neo-Nazi movement, allegedly under the leadership of Andrei Link) published a video of a young man lying on the ground bleeding, being kicked by his attackers. The video included an explanation that the movement had "found a rat" – the victim "leaked information using his position in the group... and committed impermissible acts."

Other Attacks

The number of attacks against the LGBT was smaller than in the preceding year – 1 killed,¹⁷ 5 injured (vs. 11 injured in 2017). However, we have to emphasize that our data is minimal (as was the case with our general statistics), and the real level of homophobic violence is not known and is, most likely, much higher.¹⁸ The victims in 2018 included the LGBT conference volunteers in Moscow, a young woman beaten up near a gay club in Yekaterinburg, and the participants

¹⁵ Attack on the Sakharov Center in Moscow // SOVA Center. 2018. 1 May (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2018/05/d39299/>).

¹⁶ St. Petersburg: Verdict was issued in Dina Garina's case // SOVA Center. 2018. 19 December (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/12/d40438/>).

¹⁷ Actor Yevgeny Sapaev, who had undergone a sex reassignment surgery. See: Murder in Moscow // SOVA Center. 2018. 2 April (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2018/04/d39123/>).

¹⁸ Motivated by Hatred: Sociologists have recorded an increase in the number of attacks against LGBT in Russia // Takie Dela. 2017. 21 November (<https://takiedela.ru/news/2017/11/21/po-motivam-nenavisti/>).

of the LGBT pickets in Volgograd, beaten up by Cossacks, who were also yelling “There should be no gays in Volgograd.”

14 attacks against the homeless were recorded in 2018 (1 killed, 13 injured vs. 4 killed and 1 injured in 2017). We learned about these victims on October 30, 2018, when the links to two videos appeared online. The videos were made by neo-Nazis¹⁹ and contained the scenes of murders and attacks against at least 15 people; the victims were mostly drunk or drug-impaired. The publishers of the videos call themselves “the orderlies” (*sanitary*) and mention a certain “Project Sanitater-88.” The videos show the attackers beating the victims, cutting them with knives, and spraying them in the face. The time and place of filming are impossible to determine for most of the episodes, but we assume that these attacks took place in 2018. So, our data for this category of victims is quite preliminary.

Official media outlets point out that teenage attacks on the homeless have become widespread,²⁰ but no statistics are publicly available on this topic. Moreover, when deceased homeless people are discovered, the cause of their death and the motive for the attacks are hard to determine. For example, a homeless person died from multiple stab wounds in Chelyabinsk in August 2016, and, only in September 2018, it was reported that the investigation had qualified this attack as a hate murder, and that two right-wing activists Maxim Sirotkin and Nikita Yermakov from the ultra-right movement Misanthropic Division (recognized as an extremist back in 2015) were the defendants in this case.²¹

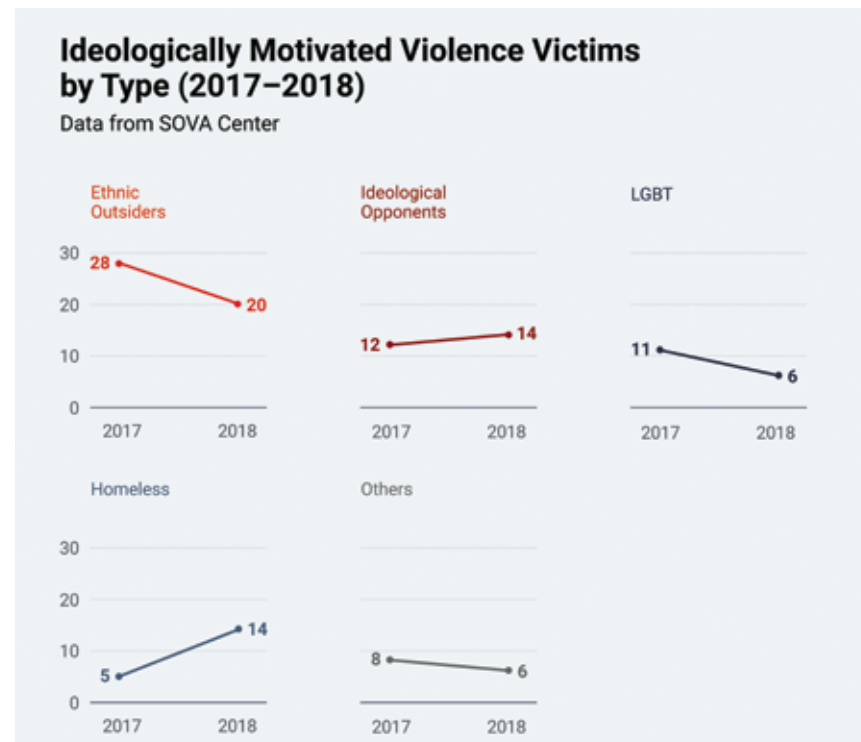
In 2018, there was almost no mention of any attacks motivated by religious hatred. This state of affairs could possibly be explained by the fact that the leadership of Jehovah’s Witnesses, preoccupied by the flood of criminal cases, no longer publishes information on the attacks against their co-religionists – these attacks used to constitute the overwhelming majority of cases in this category. In any case, the number of such attacks has now dropped – the Witnesses have no buildings left, and they cannot engage in open missionary work, so typical situations, in which violent attacks used to occur, no longer happen. We know of only one incident, in which a dispute about the proper way of wearing a cross took place in the subway and ended with serious stab wounds.²²

¹⁹ Two videos with scenes of neo-Nazi murders and beatings were found on the Internet // SOVA Center. 2018. 30 October (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2018/10/d40212/>).

²⁰ Naive cruelty: why teenagers attack the homeless // Moskva 24. 2016. 24 January (<https://www.m24.ru/articles/podrostki/14012016/94481>).

²¹ Chelyabinsk: Verdict issued in the case of the local Misanthropic Division cell // SOVA Center. 2018. 14 September (<https://www.sova-center.ru/racism-xenophobia/news/coun-teraction/2018/09/d40015/>).

²² Subway dispute about faith ended with a knife wound // SOVA Center. 2018. 17 Sep-



Individuals, who tried to intervene and defend others from being beaten up or expressed their disapproval of the aggressive young people’s behavior, also became part of our unfortunate statistics. For example, on the night of August 31 / September 1, 2018, at the Mendeleevskaya Metro Station in the Moscow, a young woman rebuked a group of young men, who were loudly singing “Moscow Skinheads,” a song by the ultra-right band Kolovrat. One of the “soloists” started hitting her in the head and yelling neo-Nazi slogans. When another passenger stood up for her, the attacker began to threaten him with a knife. After sharing her experience on Facebook, the victim started receiving threatening personal messages “You didn’t get enough; we’ll add some more!”²³

tember (<https://www.sova-center.ru/religion/news/extremism/murders-violence/2018/09/d40024/>).

²³ A young man beat up a young woman while yelling neo-Nazi slogans // SOVA Center. 2018. 1 September (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2018/09/d39945/>).

Racism among Soccer Fans

In connection with the FIFA World Cup in the summer of 2018, law enforcement agencies were paying special attention to the racist antics of soccer fans. In July 2017, the Russian Football Union (RFU) presented a monitoring system for matches, and this system, indeed, has been accurately identifying the incidents of racism at stadiums.²⁴ According to the data of the SOVA Center and the Fare network, the total number of discriminatory incidents has dropped during the 2017–2018 season. The number of recorded cases of displaying ultra-right banners at stadiums has shown a particularly dramatic fall. However, after a period of relative quiet, the frequency of discriminatory chants has increased. The chants in question include the racist “hooting,” neo-Nazi slogans, and the outbursts against the natives of the Caucasus region.²⁵

The racist shouting incident also occurred during the World Cup. On June 16, 2018 in Moscow, a soccer fan yelled “Denmark, White Power!” at the Danish fans, who, at that time, were giving interviews to Eurosport journalists.²⁶ Xenophobic statements from the fan stands were also heard once the World Cup was over. For example, Spartak fans started chanting racist slogans directed at the Brazilian-born Lokomotiv goalkeeper Marinato Guilherme during a match at the Otkritie Arena stadium in Moscow on December 2, 2018.²⁷

The problem of hate-motivated attacks committed by Russian ultra-right soccer fans has also persisted. In 2018, we know of three attacks involving soccer fans, which appear ideologically motivated. The actual number of such physical attacks by soccer fans might be higher, given the aggressiveness of the milieu.

²⁴ See Yudina, N., *Xenophobia in Figures: Hate Crime in Russia and Efforts to Counteract It in 2017*. 2018. 12 February (<https://www.sova-center.ru/en/xenophobia/reports-analyses/2018/02/d38830>).

²⁵ Discriminatory incidents in Russian football, 2017 – 2018 // FARE. 2018. May (http://farenet.org/wp-content/uploads/2018/05/FINAL-SOVA-monitoring-report_2018-6.pdf).

²⁶ Russian skinheads: A wild incident occurred at the 2018 World Cup // Obozrevatel. 2018. 16 June (<https://www.obozrevatel.com/sport/football/russkie-skinhedyi-na-chm-2018-proizoshel-dikij-intsident.htm>).

²⁷ The racist chants of Spartak fans directed at the Lokomotiv goalkeeper // SOVA Center. 2018. 2 December (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2018/12/d40364/>).

Crimes against Property

Crimes against property include damage to cemeteries, monuments, various cultural sites and various property in general. The Criminal Code qualifies these cases under different articles, but law enforcement is not always consistent in this respect. These actions are usually referred to as vandalism, and we used to group them under this term as well, but then, about a year ago, decided to abandon this naming convention, since the concept of “vandalism” (not only in the Criminal Code, but in the language in general) clearly fails to encompass all possible actions against property.

In 2018, the number of such crimes motivated by religious, ethnic or ideological hatred was significantly lower than a year earlier — there were at least 34 incidents in 23 regions of the country in 2018 vs. at least 49 in 26 regions in 2017. The majority of these actions continue to be directed against religious objects. Our statistics traditionally does not include isolated cases of neo-Nazi graffiti and drawings found on houses and fences.

Trends in Crime against Property (2006–2018)

Data from SOVA Center



SOVA Center for Information and Analysis, 2019

Fewer ideological objects suffered in 2018 – the number is 14 compared to 18 episodes in 2017. Unknown perpetrators defaced with graffiti the WWII Victory monument, the obelisk in memory of the young victims of the concentration camps, the monument to the Cheka officer Xenia Ge, the Immanuel Kant’s grave and monument, and so on. Another set of broken and destroyed objects was associated with ideological opponents of the ultra-right and included Ksenia Sobchak’s office in St. Petersburg, and memorials to deceased American rapper XXXTentacion.

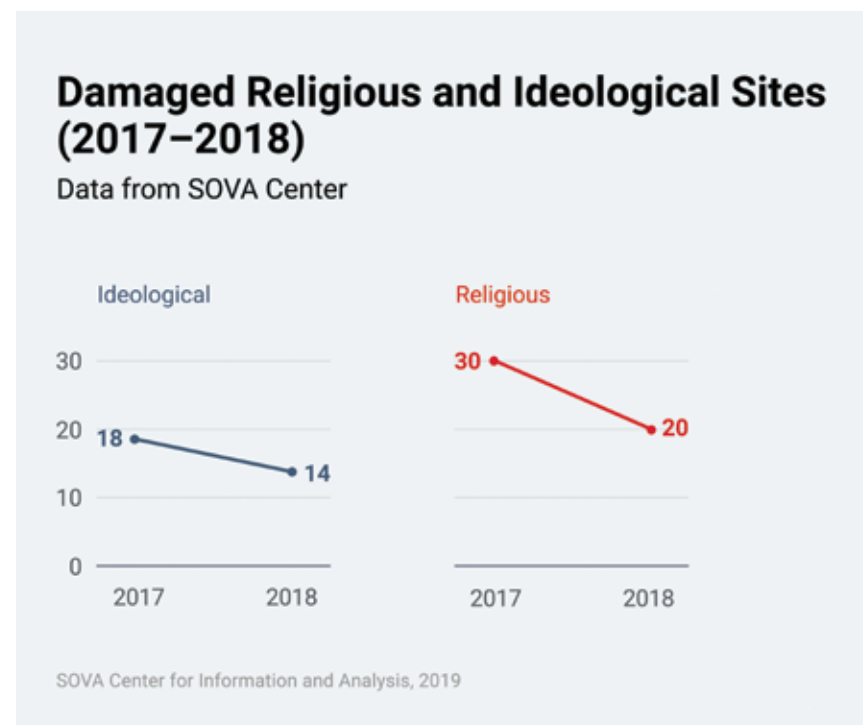


The number of affected Orthodox Christian churches and crosses turned out to be almost on par with ideological objects – 11 incidents, 4 of which were arson (in 2017, there were 11 incidents as well). Jewish objects took the third place with 4 incidents, 2 of them arson (vs. 1 incident a year earlier). 2 incidents were related to Protestant sites (there were 2 in 2017 as well). Muslim, Armenian and pagan objects suffered 1 incident each (in 2017, there were 2 episodes related to pagan sites, and no information about any damage to Muslim or Armenian sites).

However, sometimes the perpetrators’ ignorance takes comic forms and creates problems with classifying the damaged object for our purposes. Thus, in February 2018, unknown persons painted a swastika on a monument to the Russian-Armenian friendship in Novokuznetsk (the Kemerovo Region); the swastika was accompanied

it an explanation – “To Jews.” Apparently, the attackers mistook the Armenian alphabet for Hebrew²⁸.

Overall, the number of attacks against religious sites has decreased. There were 20 such incidents in 2018 (we reported 30 both in 2016 and in 2017), apparently due largely to the disappearance of an entire class of objects – Jehovah’s Witnesses buildings. The percentage of the most dangerous acts – arson and explosions – also decreased in comparison with the preceding year. In 2018 it comprised 20%, that is, 7 out of 35 (a year earlier the most dangerous acts comprised 29% or 14 out of 49), possibly for the same reason.



²⁸ Vandals in Novokuznetsk take the Armenian alphabet for the Jewish one // SOVA Center. 2018. 26 February (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2018/02/d38916/>).

The geographic distribution has changed as well. In 2018, such crimes were reported in 10 new regions (the Novosibirsk, Ryazan, Samara, Ulyanovsk, Yaroslavl and Stavropol Regions, Khanty-Mansi Autonomous District, the Republics of Karelia and Khakassia, and Crimea). On the other hand, 13 regions, previously on this list, have now disappeared from our statistics (the Arkhangelsk, Volgograd, Vologda, Jewish Autonomous, Irkutsk, Lipetsk, Moscow, Penza, Rostov, Ulyanovsk, Trans-Baikal and Krasnoyarsk Regions, and the Komi Republic).

In Moscow and St. Petersburg, as well as in the Arkhangelsk, Voronezh, Kemerovo, Leningrad, Murmansk, Sverdlovsk, Tula and Chelyabinsk regions and in the Republic of Tatarstan (that is, in 11 regions total) such crimes were reported in both 2017 and 2018.

The geographic spread for xenophobic vandalism turned out to be wider (23 regions) than that for acts of violence (10 regions). 5 regions reported both problems (vs 7 regions a year earlier): Moscow, St. Petersburg, the Novosibirsk Region, the Samara Region and the Sverdlovsk Region.

Criminal Prosecution for Violence

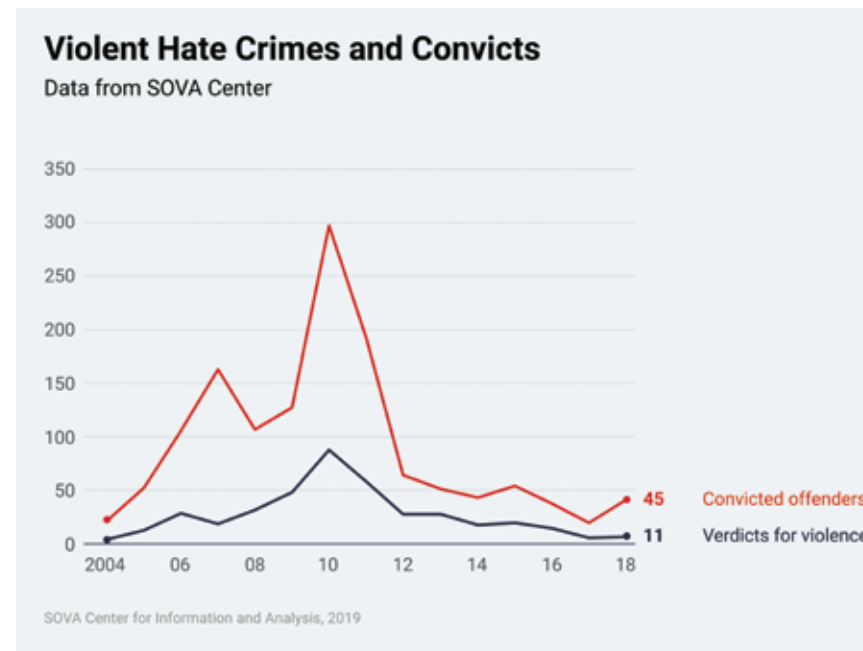
In 2018, the number of people convicted of violent hate crimes was higher than in the preceding year. In 2018, at least 11 convictions, in which the courts recognized a hate motive were issued in 11 regions of Russia (vs. 10 sentences in 9 regions in 2017).²⁹ In these proceedings 45 people were found guilty (vs. 24 people in 2017).

Racist violence was qualified under the following articles that contain the hate motive as an aggravating circumstance: murder, threat of murder, intentional infliction of severe, moderate and light bodily harm, hooliganism, and battery. This set of articles has remained almost constant over the past six years. Article 282 of the Criminal Code (“incitement to hatred”) in relation to violent crimes appeared in 5 convictions (vs. 7 in 2017), and in four cases it was used for specific instances of ultra-right propaganda (videotaping violence and publishing on the Internet), and not for violence per se.

In the last case, Alexander Zenin, who had been on the federal wanted list for 12 years on suspicion of complicity in the murder of Timur Kacharava on November 13, 2005,³⁰ was convicted under Article 282 Part 2 Paragraph “A” of the Criminal Code (“incitement to hatred with the use of violence”). The

²⁹ Only the sentences that we consider appropriate are included in this count.

³⁰ Murder of an antifascist musician in Moscow // SOVA Center. 2005. 14 November (<https://www.sova-center.ru/racism-xenophobia/news/racism-nationalism/2005/11/d6326/>).



Smolninsky District Court of St. Petersburg sentenced Zenin to 1.5 years of imprisonment,³¹ since Article 105 of the Criminal Code (“murder”) was dropped from the charges. The appropriateness of this sentence is questionable,³² given that the victims and the investigation considered Zenin to be the organizer of the group attack (even if he did not specifically plan a murder), and given the fact that, taking into account his pre-trial detention (one day in pre-trial detention counts for 1.5 days in prison) and the subsequent month for filing an appeal, the offender most likely will never go to penal colony.

The verdict of the Babushkinsky court of Moscow against Maksim “Tesak” [Hatchet] Martsinkevich – the leader of the ultra-right social movement *Restrukt!* – is also worth mentioning, although the hate motive was not taken into account. Martsinkevich was sentenced to 10 years in a penal colony under Article 162 Part 2 of the Criminal Code (“robbery committed by a group of persons”)

³¹ St. Petersburg: an accomplice in the murder of Timur Kacharava was punished with 1.5 years in a penal colony // SOVA Center. 2018. 20 December (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/02/d38904/>).

³² Olga Tseitlina and Stefania Kulaeva comment on the Alexander Zenin case // SOVA Center. 2018. 14 September (<https://www.sova-center.ru/racism-xenophobia/publications/2018/09/d40002/>).

and Article 213 Part 2 of the Criminal Code (“hooliganism committed by a group of persons”) in the court case related to the attacks conducted under the pretext of combating drug trafficking as part of the Occupy Narcophilia project. The other defendants in the case were sentenced to prison terms ranging from 2 years and 11 months to 9 years in a penal colony. The court released one person from custody due to the completion of punishment.³³

We know that, in at least one case, the motive of hatred toward a “social group” was imputed. In addition to the exotic social groups of the past years, such as “Chinese Communists,”³⁴ “rock music fans,”³⁵ “Russian military,”³⁶ “volunteer police assistants,”³⁷ “psychiatrists,”³⁸ “men,”³⁹ “thugs” (*gopniki*),⁴⁰ etc., a new social group — “anime” — was discovered in 2018. This puzzling social group appeared in June 2018 in the verdict of the Central District Court of Novosibirsk in the case of the attack against an 18-year-old student by ultra-right teenagers. The law enforcement agencies qualified this case as group hooliganism with the motive of hatred toward the social group “anime” (Article 213 Part 2 of the Criminal Code). The court found both young people guilty. One of them received a suspended sentence of 2.5 years with subsequent 2.5 year probation period; the other one — a suspended sentence of 1.5 years with subsequent 2-year probation period.⁴¹

³³ This was a re-trial of the Martsinkevich’s criminal case. In June 2017, the Babushkinsky District Court sentenced him to the same prison term, having added a nine-year sentence in the case of the Restrukt! Movement to one unserved year in his previous sentence. Moscow: The verdict was delivered to Maxim Martsinkevich and his accomplices // SOVA Center. 2018 29 December (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/06/d37365/>).

³⁴ Ali Yakupov was acquitted again // SOVA Center. 2017. 27 November (<https://www.sova-center.ru/misuse/news/persecution/2017/11/d38357/>).

³⁵ Rock music fans as a social group // SOVA Center. 2011. 26 July (<https://www.sova-center.ru/misuse/news/other-actions/2011/07/d22208/>).

³⁶ The trial of the Yuri Budanov murder case has begun // SOVA Center. 2012. 16 November (<https://www.sova-center.ru/misuse/news/persecution/2012/11/d25822/>).

³⁷ Rapper Ptakha was fined under Art. 282 // SOVA Center. 2017. 16 March (<https://www.sova-center.ru/misuse/news/persecution/2017/03/d36599/>).

³⁸ A St. Petersburg court did not recognize materials on human rights violations in psychiatry as extremist // SOVA Center. 2018. 14 August (<https://www.sova-center.ru/misuse/news/counteraction/2012/07/d24792/>).

³⁹ Rozhana, the man-hater // SOVA Center. 2013. 23 October (<https://www.sova-center.ru/misuse/news/persecution/2013/10/d28230/>).

⁴⁰ Verdict delivered in Kazan in the case of an attack against the natives of Tajikistan // SOVA Center. 2011. 18 March (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2011/03/d21193/>).

⁴¹ Novosibirsk: Verdict delivered in the case of hooliganism with the motive of hatred toward the social group “anime” // SOVA Center. 2018. 2 July (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/07/d39640/>).

SOVA Center believes that the vague concept of “social group” should be excluded from the anti-extremist legislation altogether.⁴² Moreover, in this particular case, the formula *social group* “anime” also provides no information as to the specific target of the teenagers’ hatred.

Penalties for violent acts were distributed as follows:

- 1 person was sentenced to life imprisonment;
- 3 people were sentenced to 15 – 20 years in prison;
- 1 person – to 10 – 15 years;
- 6 people – to 5 – 10 years;
- 12 people – to 3 – 5 years;
- 4 people – up to 3 years;
- 9 people received a suspended sentence;;
- 2 people were sentenced to fines;
- 2 people – to correctional labor;
- 1 person – to community service;
- 2 people – to restrictions on freedom;
- 2 people were found guilty but released from punishment due to the expiration of the limitation period;
- 1 person was acquitted.

We only know of one convicted offender, who received an additional punishment in the form of having to pay compensation to his victims for material and moral harm. It is possible that other decisions on additional compensation were issued, but the official sources seldom report on them. We believe that this practice should be used more widely.

We also know of other additional penalties: 1 ban on the use of the Internet, and 3 additional fines.

As demonstrated by the above data, 20% of convicted offenders (9 out of 45) received suspended sentences in 2018, significantly exceeding the corresponding figures of 2016 and 2017.

Six individuals, who received suspended sentences, were defendants in large group trials (including members of the Misanthropic Division from Chelyabinsk). Perhaps, their direct participation in the violent actions could not be proved, or they made a plea bargain.

⁴² See for example: Verkhovsky, A., Kozhevnikova, Galina. Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2008 // SOVA Center. 2009. 21 April (<http://www.sova-center.ru/en/misuse/reports-analyses/2009/04/d15800/>).

The suspended sentences for the above-mentioned teenagers from Novosibirsk, who had attacked an anime fan, were apparently related to their age (they are minors) and the fact that the student did not suffer serious injuries.

The suspended sentence imposed on the ultra-right activists in Rostov-on-Don for attacking the journalist Vladimir Ryazantsev from *Kavkazsky Uzel* (Caucasian Knot) is probably explained by the fact that the attack was qualified under the “light” Article 116 of the Criminal Code (“Battery”), which does not entail severe punishment.

However, a suspended sentence to a resident of Kalmykia for attacking a 46-year-old Chechen woman, whom he had “*grabbed by the hair, hit in the face with his knee, broke her nose, knocked out her teeth and kept beating with his fists and feet,*”⁴³ seems to be incongruent with his crime.

We would like to reiterate that we are skeptical about suspended sentences for crimes related to ideologically motivated violence. Our observations over many years has shown that, in the overwhelming majority of cases, suspended sentences do not deter ideologically motivated offenders from committing such acts in the future.

More than half (26 of 45) of those convicted for violence were sentenced to various terms of imprisonment. One person in Chita was sentenced to life imprisonment for a series of crimes, including the murder of 8 people motivated by hatred on the basis of nationality.

Criminal Prosecution for Crimes against Property

Somewhat fewer sentences were issued for crimes against property in 2018 than in the preceding year. We know of 2 sentences issued in 2 regions against 6 people (vs. 3 sentences against 5 people in 3 regions in 2017).

In one of the sentences, destruction of a few dozen gravesite memorials at a cemetery in Smolensk was qualified under Article 244 Part 2 Paragraphs “a” and “b” of the Criminal Code (“Outrages upon Burial Places motivated by hooliganism and by ideological hatred”). For all four convicted offenders, the article related to property damage was not the only one and not the main one among their charges. The defendants were sentenced to various terms of imprisonment in conjunction with other Criminal Code articles – Article 35 Part 1, Article 116 (“Battery by an organized group motivated by national

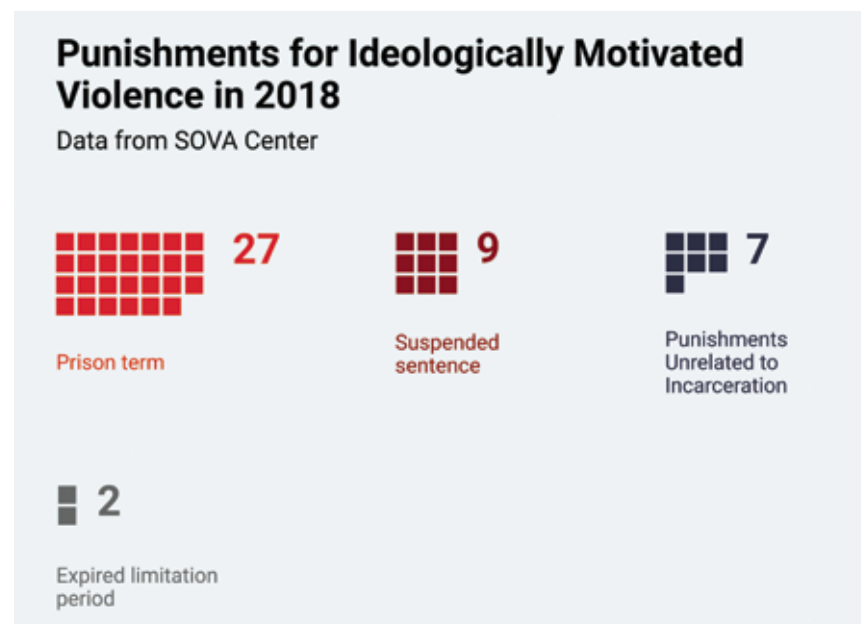
⁴³ Kalmykia: a suspended sentence for beating and an attempt to set a vehicle on fire // SOVA Center. 2018 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/12/d40435/>)

hatred”), and Article 161 Part 2 Paragraph “d” (“Robbery committed with the use of coercion”). This sentence was also reported in our “Prosecution for Violence” section.

Article 214 Part 2 of the Criminal Code (“Vandalism, committed by reason of ideological hatred”) was the principal and the only article in the sentence issued in Yekaterinburg to Igor Shchuka, an activist of the Other Russia and a citizen of Belarus. The court sentenced him to a year of correctional labor for trying to set fire to the Boris Yeltsin monument.

In addition, we know of at least two more sentences delivered for apparent ideologically-motivated vandalism, in which the court sentence did not take the hate motive into account (both cases utilized Article 214 Part 1 of the Criminal Code).

Interestingly, a number of similar crimes (defilement of buildings and houses) have been qualified under Article 282 of the Criminal Code (“Incitement of hatred”) for many years due to the dual nature of such offenses. The choice of an article to be applied is left to the discretion of law enforcement officers. Article 282 is probably better known by the media and, therefore, more popular among the law enforcement agencies.



Natalia Yudina

On the Threshold of Change? The State Against the Promotion of Hate and the Political Activity of Nationalists in Russia in 2018

Summary

A definite shift has occurred in the scope of criminal law enforcement since early 2018. According to the monitoring of SOVA Center, for the first time in many years the number of criminal convictions for public “extremist statements” (the promotion of hate, calls for extremist or terrorist activities, etc.) started to drop, even though the total number of these convictions still exceeds the number of convictions for all other “extremist crimes.” Clearly, the growing public outcry over the scale and quality of this type of criminal law enforcement has played a role, and discussions about reforming anti-extremist laws, which began in the summer, have accelerated the events.

However, the quality of this law enforcement continues to be a cause for concern. Punishments became harsher, and the number of people sentenced to prison terms “only for words” without formal or informal aggravating circumstances has again increased. At the same time, punishments of figures popular among the ultra-right did not involve prison terms.

Criminal prosecution of people for participation in extremist organizations remained at the same level as 2017. Notably, if we exclude clearly unjustified prosecutions, all the convictions known to us were connected with membership in Ukraine’s Right Sector or the pro-Ukrainian Misanthropic Division. The number of convictions for violent crimes motivated by hate also fell, but this was the topic of our previous report.¹

While criminal prosecution is declining, the number of administrative convictions under anti-extremist articles of the Code of Administrative Offenses

(CAO) has grown. In addition, we have observed a stable number of pointless and harsh bans on internet use and the confiscation of expensive “tools of crime” such as laptop computers, tablets, and smartphones in criminal and administrative cases.

Along with the Federal List of Extremist Materials, two other lists related to blocking access to “extremist” content on the internet – registers of judicial and extrajudicial blocking – are swelling, and it’s the extrajudicial one that’s growing the fastest.

In this way, even though we have seen an improvement in the practice of criminal prosecution for statements, the problem of the arbitrary application of anti-extremist laws overall, and of the ensuing freedom of speech restrictions, remains acute.

Criminal Prosecution

For public statements

In 2018, the number of convictions passed down for “extremist statements” (incitement of hatred, calls for extremist and terrorist activity and so on) continued to dominate in comparison to all other convictions for “extremist crimes” combined. However, the annual increase in such convictions has stopped. SOVA Center knows of 183 convictions against 192 people² in 65 regions of the country.³ This is slightly less than in 2017, when we learned about 197 such convictions against 253 people in 70 regions of the country. These figures do not include convictions we consider wrongful, but there were also fewer of these: in 2018, we considered six convictions against seven people wrongful,⁴ and these convictions will not be further considered in this report.

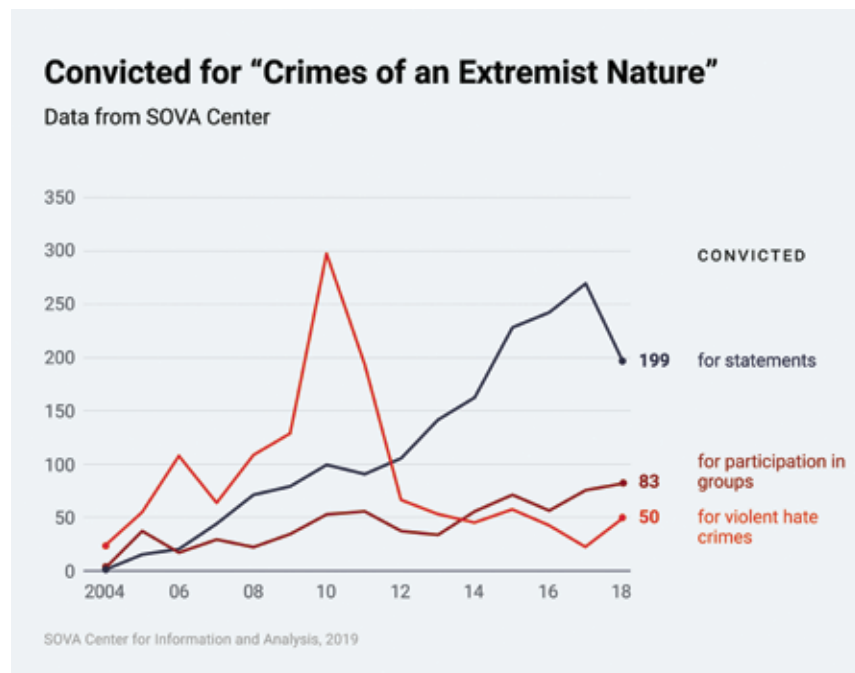
These statistics do not include clearing of criminal responsibility with payment of a court fine. This kind of outcome appeared in Russian law (Article 76² of the Criminal Code) in 2016. As far as we know, cases on “extremist statements” ended in this way twice in 2017 and ten times in 2018. We can only welcome the appearance of this alternative to a criminal conviction “for words.”

² One more person was acquitted.

³ Data as at February 18, 2019.

⁴ See: Kravchenko, Maria. Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2018.

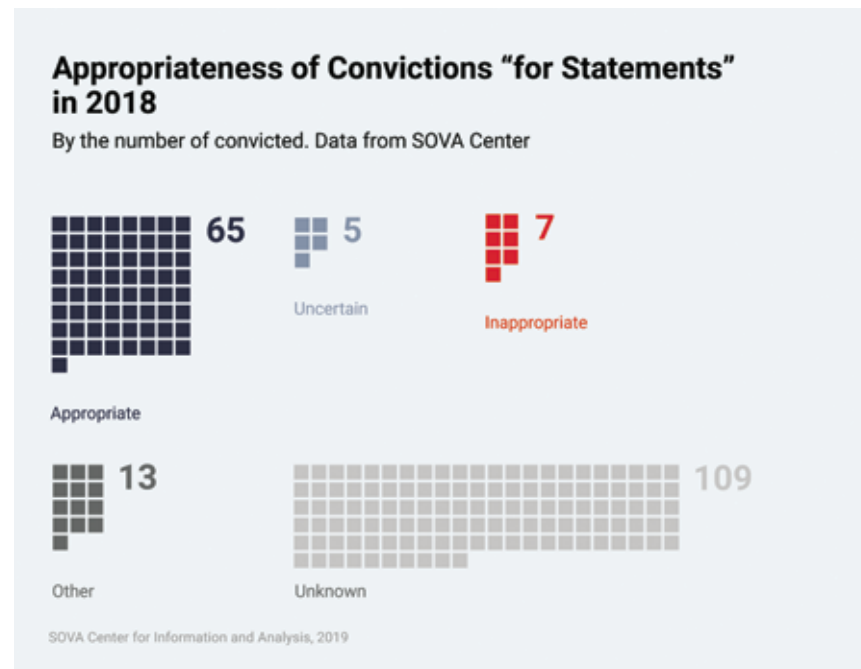
¹ Yudina, N. The Ultra-Right and Arithmetic: Hate Crime in Russia and Efforts to Counteract It in 2018.



Last year, we changed our system of conviction classification. It has become more detailed.

We deem appropriate only those convictions where we can assess with certainty the content of the statements and where we believe that courts issued convictions in accordance with the norms of the law, at least in respect of the actual content of the statement (although failure to account for other criteria may make some of these convictions wrongful overall). We know of 55 such appropriate convictions against 65 people.

In the vast majority of cases – labelled as “Unknown” (109 convictions against 109 people) – we know nothing or too little about the content of the publications or republications to be able to assess the appropriateness of these decisions. However, people whose prosecutions we can assume were appropriate on the basis of circumstantial evidence have also fallen into this category. This would include, for example, people who were previously part of an ultra-right group, people previously prosecuted under “extremist” administrative or even criminal articles, and those noted in the publications of law enforcement agencies for having called for violent actions. But since we could not access the text of the publications, we had to acknowledge that we could not fully assess the appropri-



ateness of these prosecutions. After all, there have been cases when high-profile nationalist activists have been prosecuted for entirely innocent publications.

Convictions that we had trouble assessing fell into the category of “Uncertain” (five convictions against five people): for example, cases where we are inclined to treat one of the charges as appropriate and another as wrongful.

Similarly, our category “Other” (13 convictions against 13 people) is topped off by individuals convicted, probably appropriately, under extremist articles of the Criminal Code, but whose prosecution cannot be classified as combatting nationalism and xenophobia. These would include, for example, supporters of the Artpodgotovka movement or anarchists calling for attacks on officials at government agencies.

Speaking about statistics overall, unfortunately, we know of far from all convictions. According to data posted on the Supreme Court’s website,⁵ during

⁵ Consolidated statistical data about the activity of federal courts of general jurisdiction and magistrate courts for the first six months of 2018 // Official website of the Supreme Court of the Russian Federation (http://www.cdep.ru/userimages/sudebnaya_statistika/2018/k3-svod_vse_sudy-1-2018.xls).

just the first six months alone of 2018, parts 1 and 2 of Article 148, Article 205,² Article 280, Article 280¹, Article 282, Article 354¹ of the Criminal Code were the main articles of accusation of “extremist statements” for 283 people and additional articles of accusation for 81 people. Thus, from 283 to 364 people were convicted for “extremist statements.”⁶ And these Supreme Court figures are slightly lower than for the same period of the previous year.⁷

The ever-popular Article 282 of the Criminal Code (“Incitement of Hatred or Enmity”) was used in the 155 convictions of 161 people that we know of.⁸ In the overwhelming majority of cases (108), this article was the only article listed in the conviction.

Only Article 280 of the Criminal Code (“Public Appeals for Extremist Activity”) was used in 15 convictions of 15 people. In another 22 cases, it was combined with Article 282.

Article 280¹ of the Criminal Code (“Public Appeals to Perform Actions Aimed at Violating the Territorial Integrity of the Russian Federation”) was applied in one conviction. As in the previous year,⁹ a suspended sentence under this article was handed down to a member of the Community of Indigenous Russian People (OKRN). This time, Ivan Kolotilkin, the leader of the Ulyanovsk branch of the OKRN was punished.¹⁰ In his case, as in the case of last year’s OKRN leader from Samara, Article 280¹ was applied in conjunction with Article 282.

⁶ According to data posted on the Supreme Court’s website, there were none for whom parts 1 and 2 of Article 148 were the main article of accusation, it was an additional article for 6 persons, Article 205 was the main and additional article for 39 and 11 persons, respectively, Article 280 was the main and additional article for 32 and 25 persons, respectively, Article 280¹ was the main and additional article for three persons each, Article 282 was the main and additional article for 209 and 40 persons, respectively, and Article 354¹ was the main and additional article for zero and two persons, respectively. These articles may be combined with each other or with other articles (see below), so the actual number of people convicted for statements is somewhere between the sum of the first numbers and the sum and the first and second numbers.

⁷ Yudina, N. Countering or Imitation: The State Against the Promotion of Hate and the Political Activity of Nationalists in Russia in 2017 // SOVA Center. 2018. March 19 (<https://www.sova-center.ru/en/xenophobia/reports-analyses/2018/03/d39029/>).

⁸ From here on, all calculations are made using convictions known to us, even though, judging by the Supreme Court’s data, there are approximately three times as many convictions. But, given the amount of data we possess, we can assert that the observed patterns and proportions will be true for the entire number of convictions.

⁹ Togliatti: Verdict? Issued in the Case of Leader of the Community of Russian Indigenous People // SOVA Center. 2017. December 21 (<http://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/12/d38543/>).

¹⁰ Ulyanovsk: Court Sentences Activist from Community of Indigenous Peoples of Russia to Two-Year Suspended Sentence // SOVA Center. 2018. November 8 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/11/d40261/>).

Article 354¹ of the Criminal Code (“Denial of Facts Established by Decision of the International Military Tribunal for the Trial and Punishment of Key European War Criminals, Approval of Crimes Established by the Verdict, and the Dissemination of Knowingly False Information about the Activity of the Soviet Union During the Years of the Second World War”) was applied in three convictions. It was the sole article in only one case: in Stavropol Krai, a 20-year-old local resident was sentenced to 150 hours community service for a photograph “*with raised hand in the form of a gesture similar to the Nazi salute*” near the memorial “To Soldiers who Perished in the Great Patriotic War,” which was published on a social network page.¹¹

The most recent case against the Perm-based activist Roman Yushkov ended in an unusual manner. He was convicted under Article 282 and Part 1 of Article 354¹ of the Criminal Code for posting links on his Facebook page to the article “Jews! Pay the Germans Back the Money for Fraud with the ‘Holocaust six millions Jews!’” [author’s English in the inside quote] However, Article 354¹ of the Criminal Code allows for appeal to a jury, which Yushkov took advantage of, and he was acquitted by the jury.¹²

Naturally, articles concerning “extremist statements” can be combined with totally different articles, usually those concerning crimes against the person or property.¹³

For example, the case of Vladimir Dyachenko, the leader of the Stavropol cell of Russian National Unity (RNE) and an ideologue of the neopagan religious group Children of Perun, featured, along with the illegal possession of weapons and drugs, voice recordings of conversations in which Dyachenko spoke about killing “non-Slavs” by hitting them on the head with armature and slitting their throats.¹⁴

In Chuvashia, the republic’s Supreme Court convicted Sergey Ilyin, a former volunteer for the battalion of the Organization of Ukrainian Nationalists (OUN, banned in Russia), under Part 3 of Article 359 (“Participation of a Mercenary in an Armed Conflict), parts 1 and 3 of Article 354¹, Part 1 of Article

¹¹ Izobilny: Community Service for a Photo with a Nazi Salute in Front of a Memorial to Soviet Soldiers // SOVA Center. 2018. October 24 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/10/d40190/>).

¹² Perm: Roman Yushkov Acquitted in Third Criminal Case. Prosecutor’s Office Demands Quashing of Conviction // SOVA Center. 2018. September 5 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/09/d39970/>).

¹³ For more information see: Yudina, N. The Ultra-Right and Arithmetic....

¹⁴ Yessentuki: Court Sends Local Ultra-Right Pagan Vladimir Dyachenko to Forced Treatment // SOVA Center. 2018. August 13. (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/08/d39836/>).

282, and Part 2 of Article 280 of the Criminal Code. In addition to participating in military actions, Ilyin was accused of posting certain materials to social networks. In total, he was given a prison term of three-and-a-half years and fined 50,000 rubles.¹⁵

It is worth taking separate note of convictions under Article 205² of the Criminal Code (“Public Calls for Terrorist Activity”), which became noticeably more popular in 2017 and 2018. According to data from the Supreme Court, this article was the main article of accusation for 39 people and an additional article of accusation for 11 people in the first half of the year.

SOVA Center is aware of 24 convictions handed down against 25 people under Article 205² of the Criminal Code (that is, one-quarter of the actual convicted persons). In eight cases, it was the only article in the conviction. In four of the eight convictions, it was applied for calls to military jihad and support of ISIS.¹⁶ Four of the other convicted persons included a supporter of Misanthropic Division,¹⁷ a former member of RNE, an anarchist, and a cadet at the military medical academy who called for attacks on members of the authorities.

Article 205² was also combined with other “extremist articles,” for example, with Article 280 (in two cases), Article 282 (in six cases), and both of these articles (in three cases). In almost of all these “integrated” cases, it was applied for radical Islamic statements. The exception was the conviction handed down by the Far Eastern Military District Court under Part 2 of Article 280, Part 1 of Article 282, and Part 2 of Article 205² in relation to two residents of Altai Krai for creating a social media group where calls to violence against Muslims and members of “peoples of the Caucasus and Central Asia” were posted.¹⁸

In the remaining cases, this article was combined with other general crime articles of the Criminal Code, including threat of murder, distribution of narcotics, and illegal acquisition and possession of weapons (Article 222 of the Criminal Code). At different times, members of the group Russkaya Respublika Rus [The

¹⁵ Cheboksary: Court Issues Sentence Against Former Marksman of the Organization of Ukrainian Nationalists Battalion // SOVA Center. 2018. November 28 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/11/d40332/>).

¹⁶ In another case, the content of statements on social networks was unknown, although it is highly likely that this was also Islamist propaganda, since the person convicted was from Uzbekistan.

¹⁷ Supreme Court Upholds Conviction of Kaliningrad Resident Convicted of Calls to Terrorism on Social Media // SOVA Center. 2018. June 27 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/07/d39732/>).

¹⁸ Residents of Altai Krai Convicted for Calls to Violence Against Muslims and Natives of the Caucasus and Central Asia Posted to Social Media // SOVA Center. June 22 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/06/d39595/>).

Russian Republic of Rus’] were convicted of weapons possession and terrorist propaganda:¹⁹ Velsk resident Vasily Pivkozak was sentenced to three years in a general regime penal colony for explosives found in his home and some posts on the social network VKontakte²⁰, and Severodvinsk resident Aleksey Lebedev was sentenced to six years in a general regime penal colony for similar actions²¹ (Igor Byzov of Arkhangelsk was only convicted under articles 282 and 280 and was sentenced to a two-year suspended sentence²²).



¹⁹ The name of this organization is similar to the name Russkaya Respublika, which gained notoriety after the publication of a “death sentence” for Nikolay Girenko in 2005.

²⁰ Supporter of Russkaya Respublika Rus Convicted // SOVA Center. 2018. March 6 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/03/d38966/>).

²¹ Third supporter of Russkaya Respublika Rus Convicted // SOVA Center. 2018. April 16 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/04/d39219/>).

²² Arkhangelsk: One More Supporter of Russkaya Respublika Rus Convicted // SOVA Center. 2018. March 14 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/03/d39001/>).

We do not know the content of most of the incriminating statements, particularly of alleged calls to military jihad, but we cannot exclude the possibility that parts of these criminal cases were fabricated.²³

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

- 49 people were sentenced to prison terms;
- 93 received suspended prison terms without any additional sanctions;
- 27 were convicted and fined in various amounts;
- eight were sentenced to corrective labor;
- six were sentenced to community service;
- five were subjected to forced treatment;
- four were released because of expiration of the statute of limitations;
- one was given disciplinary measures;
- one was acquitted.

The number of people sentenced to prison rose slightly in comparison to the previous year (a year ago we reported 47 people).

Twenty-three of the 49 people sentenced to prison received terms in conjunction with charges not related to statements (violence, arson, robbery, possession of narcotics).

Predictably, the punishments were harsher for crimes committed as part of Article 205² of the Criminal Code. Twelve people were sentenced to imprisonment for radical Islamist videos and publications posted on the internet, as well as for radical publications connected with events in Ukraine (the aforementioned supporters of Misanthropic Division and OUN).

Nine people were already in prison and their terms were extended.

Five people were convicted for “extremist statements” for a second time, which greatly increases the risk of imprisonment. As in the previous year, this group included the leader of the Parabellum movement and activist in Kvachkov’s People’s Militia of Russia (the former NOMP) Yury Yekishev, who received two years’ imprisonment for publishing a notorious anti-Semitic caricature from the early 20th century with the inscription “*We will drive out this vile beast with*

²³ Kostromina, Darya. “Pro-terrorist Statements.” Cycle of Surveys “Criminal Prosecution for Terrorism in Russia and Abuse by the Government // HRC Memorial. 2019. February 11 (<https://memohrc.org/sites/default/files/presledovaniya-za-proterroristicheskie-vyskazyvaniya-2019-02-08.pdf>).

the Russian twig so that this vermin does not defecate on us anymore.”²⁴ [the original is rhymed]

Although, 12 people received prison terms without the circumstances stated above (or, we are not aware of them in certain cases). We are talking about sentences imposed in Perm, Syktyvkar, Tula region, Perm Krai, Ufa and some other regions for publishing various materials on the social network VKontakte (video and audio clips, comments, etc.), including calls for violence. We do not know anything about who these people were and what the content of the publications for which they were convicted was, but this is why we can assume that most of them did not carry out large-scale campaigns and therefore these sentences are most likely unjustifiably harsh.

The situation has deteriorated in comparison with the previous year (we reported on seven such convictions in 2017 and five in 2016), but did not reach the peak of 16 in 2015. For 2013 and 2014 we learned about two such convictions for each year.²⁵

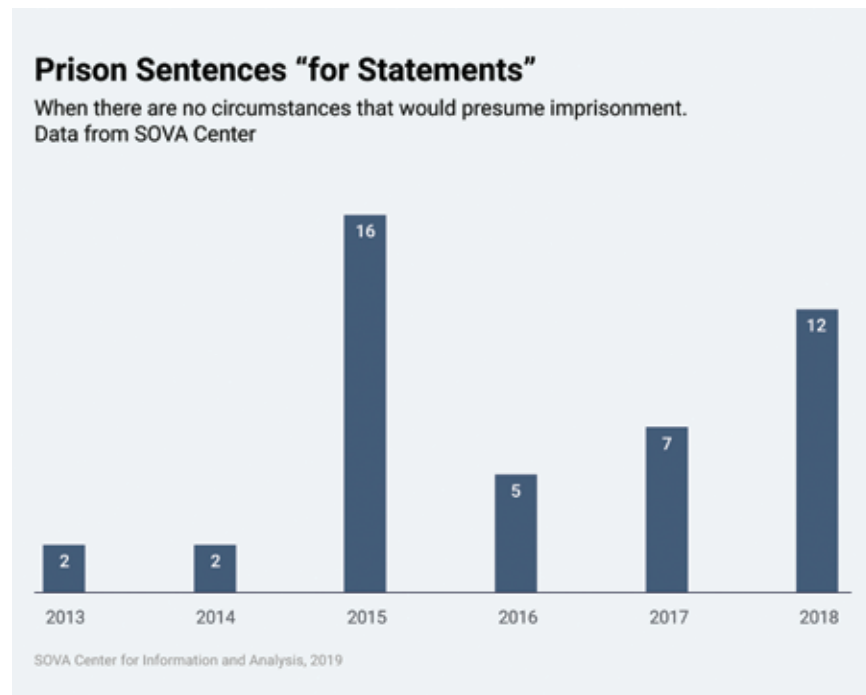
The share of suspended sentences has remained virtually unchanged at 48.5% (93 out of 192) instead of the 49% (113 out of 228) of 2017. The share of those convicted (41 people) sentenced to punishments not connected with real or suspended terms of imprisonment but instead to mandatory and corrective labor or fines continued falling for the third year. People punished in this way included Vladimir Ratnikov (Komarnitsky), who was given 160 hours of community service for publishing songs by the groups Kolovrat [an old Russian name of the solar symbol] and *Bandy Moskvyy* [Gangs of Moscow] on his VKontakte page,²⁶ and the ultra-right activist Dina Garina, who was sentenced by a Saint Petersburg court to 120 hours of community service for insulting representatives of authorities.²⁷

²⁴ Yuri Yekishev Sentenced to Two Years’ Imprisonment and Released in the Courtroom // SOVA Center. 2018. January 26 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/11/d38333/>).

²⁵ Who has been Imprisoned for Extremist Crimes not of a General Criminal Nature // SOVA Center. 2013. December 24 (<http://www.sova-center.ru/racism-xenophobia/publications/2013/12/d28691/>).

²⁶ Conviction in the Case of Publication of Racist Songs on Social Media by Leader of the Cherny Blok Movement Enters into Force // SOVA Center. 2018. March 12 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/03/d38984/>).

²⁷ However, Dina Garina was released from serving her punishment because the statute of limitations had expired. See: Saint Petersburg: Court Hands Down Conviction in Case against Dina Garina // SOVA Center. 2018. December 12 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/12/d40438/>).



Of the additional punishments in 2018, we know of the following: bans on holding senior positions (two cases), engaging in social activism (two cases), working in the media (three cases), organizing public events (two cases), and operating a means of transportation (one case). Beyond this, there is an entire array of additional punishments connected with internet use. And while we can understand measures like bans on public statements on the internet (12 cases) or moderating and administering social networks or sites on the internet (four cases), then total bans on using the internet (four cases) appear strange and excessive, since it is difficult to imagine daily life, including work and study, without the internet. And it would also be extremely difficult to enforce such a ban.

The confiscation of “tools of the crime” such as laptops, mobile telephones, or tablets used to publish statements, which are the subject of investigation, seems equally excessive and harsh.

As usual, the overwhelming majority of verdicts were made for materials posted on the internet – 172 of 183, or 94% (as compared to 96% in 2017).

These materials were posted on:

- social networks – 155 (including VKontakte – 98, unnamed social networks – 55, which were likely also VKontakte, Odnoklassniki –2);
- YouTube – 1;
- internet-based media – 2 (comments on articles);
- radio stations – 1;
- forums – 1;
- online (not specified) – 12.

We have recorded this same approximate breakdown for seven years.²⁸ The social network VKontakte remains one of the richest sources for initiating criminal cases. What is surprising is that VKontakte continues to be the most popular social network among young Russian people, including ultra-right youth, in spite of obvious attention it receives from E Centers and investigative committees.

This concerns the following types of materials (various types of materials can be posted to a single account or even a single page):

- video clips – 49;
- images (drawings) – 31;
- photographs – 22;
- audio (songs) – 36;
- texts (including republished books) – 32;
- remarks, commentary (on social networks and in forums) – 15;
- unknown – 17.

In general, this breakdown has been typical of the past seven years, with prosecution for the most eye-catching and accessible materials – videos, drawings, and songs. And, as usual, the overwhelming majority of these materials were republications. It was only noted three times that the convicted persons themselves prepared the materials that became the subject of court proceedings.

The same can be said of the texts of articles published in reposts. Remarks and comments on social networks and in forums could probably be referred to as “original texts,” but it seems to us that this kind of idle chatter does not merit a criminal investigation in light of its small audience and the difficulty unearthing them.

We must again report that in 2018 the quality of enforcement of the law remained the same as several years ago. Statements about all these convictions mention nothing about the audience seeing this “sedition.” Virtually no mention

²⁸ See, for example: Yudina, N. Anti-extremism in a Virtual Russia 2014–2015 // SOVA Center. 2016. August 24 (<https://www.sova-center.ru/files/xeno/web14-15-eng.pdf>).

is made of the number of “visitors” and “friends,” and investigative committees have always gotten away with the standard phrase “was uploaded for public access.” The main argument used for this kind of decision is that, since the material is posted openly, the whole world can see it. However, as our years of observations have shown, these pages were only visited by a small number of the user’s “friends” on social networks prior to their viewing by law enforcement agencies.

However, by year’s end judges had started to make account for the resolution on extremist crimes made by the Plenum of the Supreme Court and adopted on September 20, 2018.²⁹ For example, in October a criminal case under Article 282 of the Criminal Code against a 35-year-old local resident of Krasnoyarsk Krai accused of publishing xenophobic images on VKontakte was closed for absence of a crime event.³⁰ The investigation found that the accuser’s actions were of little significance and, following the Supreme Court’s recommendation, deemed that the overall content of the page was not aimed at promoting hate and that the publication did not attract broad attention from the public.

Convictions for statements made offline were slightly higher than in the previous year: 11 against 8 in 2017. They are distributed as follows:

- raised voices during an attack – 1;
- leaflets – 5;³¹
- graffiti – 2;
- preparation and distribution of brochures – 1;
- members of ultra-right groups for unknown episodes of propaganda – 2.

We do not have any fundamental doubts about the appropriateness of these convictions. However, we do have doubts about the need for criminal prosecution for graffiti on the streets. We add only that in all the remaining cases it is necessary to take into account not only the content of these statements (leaflets, brochures), but also other factors affecting the danger they pose to society, primarily the actual size of the audience.³²

²⁹ Resolution of the Plenum of the RF Supreme Court of September 20, 2018 on Judicial Practice in Criminal Cases with an Extremist Slant // SOVA Center. 2018. September 20 (<https://www.sova-center.ru/misuse/docs/2018/09/d40044/>).

See also SOVA’s commentary on the resolution on extremist crimes // SOVA Center. 2018. September 25 (<https://www.sova-center.ru/misuse/publications/2018/09/d40054/>).

³⁰ Krasnoyarsk Krai: Case Under Article 282 Closed for Absence of Crime Event // SOVA Center. 2018. October 4 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/10/d40098/>).

³¹ Supporters of Volya party distributed both leaflets.

³² For more on approaches to law enforcement in this area, see: Rabat Plan of Action on

For participation in extremist communities and banned organizations

We are not aware that there were any convictions in 2018 under Article 282¹ of the Criminal Code (“Organization of an Extremist Community,” even though in the first six months there were three), and prosecutions of ultra-right groups occurred more under Article 282² (“Organization of the Activity of an Extremist Organization”) in approximately the same amount as the previous year.³³ We know of three such convictions against six people in three regions of the country³⁴ (in 2017 we were aware of four convictions against six people in four regions), and all three related to Ukrainian organizations.

The first two cases concerned the ultra-right Ukrainian movement Right Sector, which is banned in Russia.

In Bryansk Oblast, the Sevsk District Court sentenced 28-year-old Ukrainian citizen Alexander Shumkov to four years in a general regime correctional facility. According to the investigation, Shumkov was the personal bodyguard of Dmitry Yarosh, the leader of Right Sector, and participated in the blockade of Crimea. Shumkov served in a military unit in the village of Chornobaivka, Bilozerka District, Kherson Oblast and was arrested in August 2017 while attempting to enter Russia. In addition, Shumkov took part in a number of actions “intended to intimidate residents of Kherson Oblast demonstrating against the blockade of Crimea and calling for the restoration of economic and political ties with Russia.”³⁵ In other words, all the incriminating actions took place outside of Russia.

Meanwhile, the Pervomaysk District Court in Rostov-on-Don sentenced 42-year-old Ukrainian citizen and member of Right Sector Roman Ternovsky to two years and three months in a general regime facility. Ternovsky served in command positions in the Ukrainian Volunteer Corps of the Border Guard Service, but, according to the investigation, he came to Russia in December

the Prohibition of Advocacy of National, Racial or Religious Hatred that Constitutes Incitement to Discrimination, Hostility or Violence // SOVA Center. 2014. November 7 (<http://www.sova-center.ru/racism-xenophobia/publications/2014/11/d30593/>).

³³ These figures do not include prosecutions that we consider wrongful: in 2018, we deemed 10 convictions against 27 people wrongful. See: Kravchenko, M. Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2018.

³⁴ This report does not look at convictions that were obviously wrongful or convictions of members of Hizb ut-Tahrir al-Islami.

³⁵ Conviction in the Case against Dmitry Yarosh’s Personal Bodyguard Handed Down in Sevsk // SOVA Center. 2018. June 5 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/06/d39498/>).

2016 and published “materials intended to draw attention to the activities of the extremist organization Right Sector” for general access on Facebook.³⁶

The last case concerned a different banned ultra-right movement: Misanthropic Division. In Rostov-on-Don, a conviction was handed down in a case against four activists of this group: Alexander Vishnyakov, Sergey Konev, Andrey Bezuglov, and Ruslan Pavlyuk. According to the investigation, Pavlyuk got Bezuglov and Konev involved. On January 10, 2017, these three people and Vishnyakov attacked Vladislav Ryazantsev, a journalist from the human rights publication *Caucasian Knot*, and beat him. According to Ryazantsev, “One of the attackers mentioned in his testimony that the cause of the attack was that *Caucasian Knot* was distributing false information about nationalist movements.” The court found all four young people guilty depending on each one’s participation under Article 116 (“Battery”), Part 2 of Article 282², and Part 1.1 of Article 282² of the Criminal Code (“Involvement in the Activities of an Extremist Organization”) and sentenced them to various terms of imprisonment.³⁷

We do not know anything about convictions made against right-wing radicals for organizing and participating in the activity of a terrorist organization (Article 205⁴), and also for organizing and participating in terrorist communities (Article 205⁵), although some nationalist organizations had previously been banned as terrorist organizations.

Federal List of Extremist Materials

In 2018, the Federal List of Extremist Materials was updated 38 times (a year earlier it was updated 33 times), 486 entries were added to it (a year ago 330 items were added), and it grew from 4,335 to 4,811 entries.³⁸

Thus, additions to the list again intensified, wiping out the 2017 decline driven by an order of the Prosecutor General issued in the spring of 2016 that largely centralized the procedure for banning materials due to extremism.³⁹

³⁶ Rostov-on-Don: Participant of Right Sector Sentenced to Four Years’ Imprisonment // SOVA Center. 2018. June 8 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/06/d39527/>).

³⁷ Rostov-on-Don: Verdict Issued in Case of Participants in Attack on Caucasian Knot Journalist. // SOVA Center 2018. March 26 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/03/d39074/>).

³⁸ As of February 15, 2019, the list had 4,847 entries.

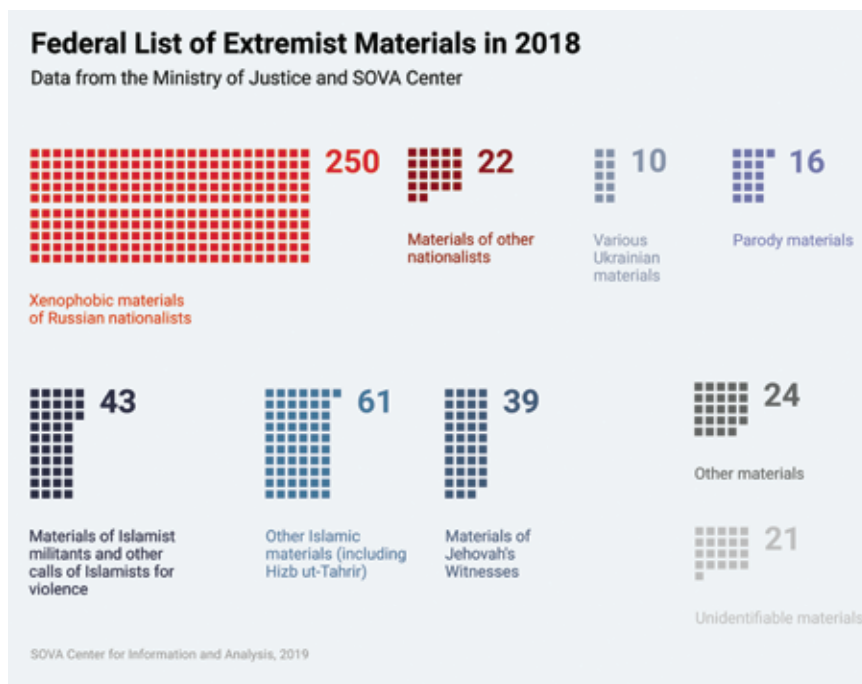
³⁹ For more information see: Kravchenko, M. Misuse of Anti-Extremism in November 2016 // SOVA Center. 2016. December 13 (<https://www.sova-center.ru/en/misuse/news-releases/2016/12/d35994/>).



Additions to the list are distributed across the following topics:

- xenophobic materials of Russian nationalists – 250;
- materials of other nationalists – 22;
- materials of Islamic militants and other calls of Islamists for violence – 43;
- other Islamic materials – 40;
- materials of Hizb ut-Tahrir – 21;
- other religious materials (materials of Jehovah’s Witnesses) – 39;
- extremely radical anti-Russian speeches from Ukraine (we distinguish them from “other nationalists”) – 4;
- other materials from the Ukrainian media and internet – 6;
- anti-government materials calling for disorder and violence – 6;
- materials with works of fascist and neo-fascist classic authors – 3;
- historical books and other historical texts – 5;
- large heterogeneous selections of texts banned in their entirety – 1;
- parody materials – 16;
- peaceful opposition websites – 4;
- radical anti-Christian websites – 2;

- fiction – 1;
- anti-Islamic materials – 2;
- unidentifiable materials – 21.



At a minimum, 402 of the 486 items are materials from the internet (a year ago it was 304 of 330 items) including various types of video and audio recordings and pictures, mainly from social networks. Offline materials included books by nationalists, the Nazi classics, Orthodox fundamentalists, Jehovah's Witnesses, and Islamic authors, as well as newspapers and leaflets.

Sometimes, it is not completely clear where precisely a piece of banned material was posted. For example, item 4,591 is described as a “graphic illustration of soldiers carrying out an attack with the text ‘They fought for the homeland! And you hand it out to the black asses without a fight’” without any source information. And in terms of item 4,721 – “Informational Material – the article ‘French March,’” not just the place of the material’s publication is unclear, but also everything about the article in general, since articles with the same name and totally different content can be found absolutely anywhere.

Unfortunately, nothing we have written about the list’s shortcomings for almost 10 years now has changed,⁴⁰ not counting the proliferation of strange and illiterately described items. The list continues to contain all manner of bibliographic, grammatical, and spelling mistakes and errors along with haphazardly written descriptions reminiscent of notes for internal use only. Duplicates with different publication information posted on different internet addresses were repeatedly added to the list; there were 236 such duplications as at the end of 2018.

Furthermore, some materials inevitably continue to be wrongfully deemed extremist. In 2018, at least 63 materials were added to the list (materials of Jehovah’s Witnesses, non-violent Islamic materials, non-violent materials from Ukrainian websites, and some others).

Organizations Banned for Being Extremist

In 2018, seven organizations were added to the list of extremist organizations published on the website of the Ministry of Justice, which is slightly higher than in the previous year, when six organizations were added.

Over the year, the following radical organizations banned in December 2017 were added to the list:

- The neo-Nazi group Shtolz (Shtolz Khabarovsk, Shtolz Far East, Shtolz-Iugent),⁴¹ whose members attacked representatives of liberal and left-wing movements and youth subcultures, as well as LGBT people. Officials first noticed this group in April 2017 after Anton Konev, a 17-year-old group member, attacked people in an FSB receiving room, leading to the death of two people in the building and the attacker himself.
- Two soccer “firms”: Sector 16, a group of soccer fans from Bugulma Municipal District in the Republic of Tatarstan (S-16 or BugulmaUltras)⁴² and a Tula-based fan group, which was incompre-

⁴⁰ Yudina, N. Countering or Imitation: The State against the Promotion of Hate and the Political Activity of Nationalists in 2017 // SOVA Center. 2018. March 19 (<https://www.sova-center.ru/en/xenophobia/reports-analyses/2018/03/d39029/>).

⁴¹ Deemed extremist by the Central District Court of Khabarovsk in December 2017. See: Shtolz group Deemed Extremist in Khabarovsk // SOVA Center. 2017. December 6 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/12/d38434/>).

⁴² Deemed extremist by the Bugulma City Court of the Republic of Tatarstan on May 28, 2018. See: Bugulma: Group of Soccer Fans Sector 16 Deemed Extremist // SOVA Center. 2018. August 9 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/08/d39816/>).

hensibly described in the list as “the organization of soccer fans Firma of soccer fans of Pokolenie [Generation].”⁴³

- Nezavisimost [Independence], a regional non-governmental organization for the promotion of national self-determination of the peoples of the world, founded by members of ultra-right organizations but apparently inactive, which was apparently added to the list because one of its founders was on “the list of Rosfinmonitoring” (list of organizations and people involved in terrorist or extremist activities).⁴⁴

The right-wing populist Interregional Grassroots Movement Artpodgotovka [Preparatory Fire],⁴⁵ which formed around the Saratov-based blogger Vyacheslav Maltsev, was also added to the list.

In addition, the list included two recently banned organizations. The first is the religious group titled “In Honor of the Icon of the Mother of God Derzhavnaya” [The Majestic one, name of the icon] in Novomoskovsk, Tula Oblast,⁴⁶ which is in fact a convent for women followers of the fundamentalist priest Father Vasily Novikov, who died in 2010, some of whose sermons were banned for promoting ethnic and religious enmity.

The second organization is the Karelian regional branch of the interregional youth charity public organization Youth Human Rights Group (MPG)⁴⁷, which was liquidated because its founder was listed as Maksim Efimov, who is on “the list of Rosfinmonitoring.” We believe that the case against Efimov was wrongfully initiated and that the inclusion of MPG on the list of extremist organizations contravenes the law, since a court shut it down but never deemed it extremist.⁴⁸

⁴³ Deemed extremist by the Proletarsky District Court of Tula on June 14, 2018.

⁴⁴ Deemed extremist by the Moscow City Court on December 1, 2017. Moscow City Court Bans Activities of Nezavisimost Foundation // SOVA Center. 2018. August 29 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/08/d39930/>).

⁴⁵ Deemed extremist by the Krasnoyarsk Krai Court on October 26, 2017 and confirmed by the Supreme Court in February 2018. See: Artpodgotovka Movement Deemed Extremist // SOVA Center. 2017. October 26 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/10/d38151/>).

⁴⁶ Deemed extremist by the Tula Oblast Court on July 25, 2016. See: In Tula Oblast, Followers of Priest Vasily Novikov Deemed Extremist Organization // SOVA Center. July 26 (<https://www.sova-center.ru/religion/news/harassment/refusal/2016/07/d35086/>).

⁴⁷ Liquidated under a decision of the Supreme Court of the Republic of Karelia of December 18, 2014. See: MPG of Karelia Liquidated // SOVA Center. 2015. January 26 (<https://www.sova-center.ru/misuse/news/persecution/2015/01/d31110/>).

⁴⁸ MPG Karelia Added to the List of Extremist Organizations // SOVA Center. 2018. November 11 (<https://www.sova-center.ru/misuse/news/persecution/2018/11/d40252/>).

Thus, as of February 11, 2019, the list includes 71 organizations,⁴⁹ whose activities were banned in court proceedings and whose further activities are punishable under Article 282² of the Criminal Code (“Organization of the Activities of an Extremist Organization”).

Besides this, the list of organizations deemed terrorist, which is published on the FSB’s website, was also updated in 2018. For the year, two organizations were added – Chistopol Jamaat⁵⁰ (entry 28) and *Rokhname ba sui davlati islomi* (*Travel Guide to the Islamic State*)⁵¹ (entry 29).

Other Administrative Measures

Prosecution for administrative violations

Unlike criminal law enforcement, administrative law enforcement is gaining momentum: the number of those punished under administrative “extremist” articles in 2018 grew noticeably, so the slowdown in growth in 2017 should be taken as an exception. Our data here are less complete than for criminal cases: data appears on the websites of prosecutor’s offices and courts with a great delay and far from all is published. The statistics we compiled are put forward without account of the decisions that we consider wrongful.⁵²

We learned about 133 people who were held responsible in 2018 under Article 20.3 of the Code of Administrative Offenses (“Propaganda or Public Demonstration of Nazi Attributes or Symbols, or Attributes or Symbols of Extremist Organizations, or other Attributes or Symbols, Propaganda or Public Demonstrations of which is Banned by Federal Laws”), of which three were minors (last year we wrote about 136 convicted under this article).

⁴⁹ Not counting the 395 local organizations of Jehovah’s Witnesses banned along with their administrative center and listed with this center as one item.

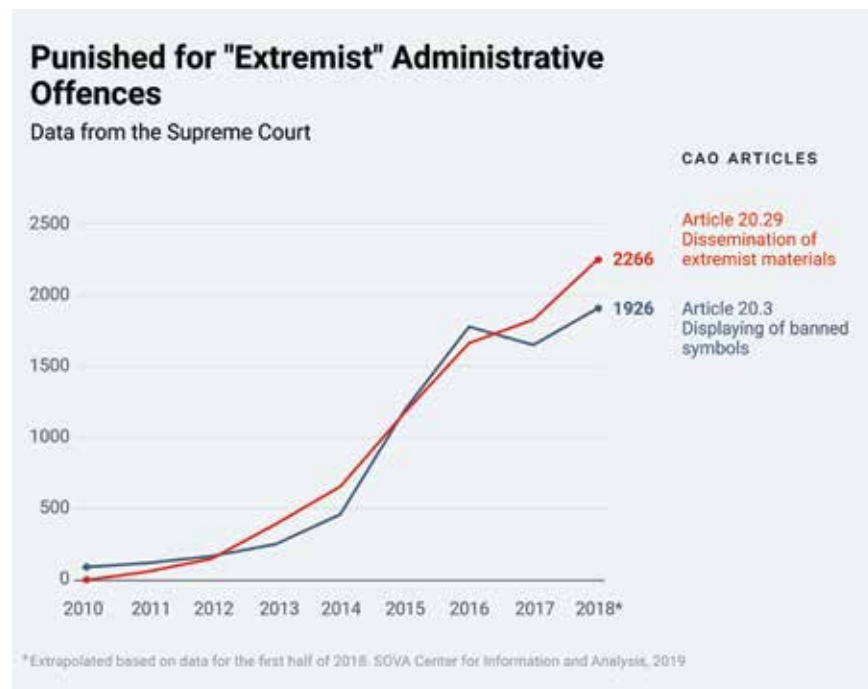
The NGO On the Course to Truth and Unity (Russian nationwide movement On the Course to Truth and Unity, the all-Russian political party On the Course to Truth and Unity, the political party On the Course to Truth and Unity), that is, an association of followers of the “dead water” teachings with nationalistic connotations that was deemed extremist by the Maykop District Court in the Republic of Adygea on May 7, 2018, was added to the list in February 2019. [For “dead water” see Russian folktales symbolism of dead and living water.]

⁵⁰ For more on this organization, see: Case of Chistopol Jamaat Closed // Radio Svoboda. 2017. March 23 (<https://www.idelreal.org/a/28386294.html>).

⁵¹ See: FSB Exposes Large Tajik Online Community of IS Recruiters // Nastoyashchee vremya. 2016. August 11 (<https://www.currenttime.tv/a/27914349.html>).

⁵² For more on this, see the concurrently published report on wrongful application of anti-extremism laws.

According to the statistics of the Russian Supreme Court, 963 people were convicted under Article 20.3 of the Code of Administrative Offenses (CAO) in the first half of 2018,⁵³ a figure which stood at 1,665 for all of 2017.⁵⁴



The majority of those punished under Article 20.3 posted images of Nazi symbols and symbols of banned organizations like ISIS or Artpodgotovka to social media. There was a lot fewer of those punished for offline activities. These included two people strolling down the street in t-shirts with Nazi symbols (including a soccer fan in a t-shirt bearing the image of Totenkopf (“Death’s Head”)), two graffiti artists who drew swastikas in a pedestrian underpass and at a bus stop, two owners of concession stands selling items with Nazi symbols, and an automobile owner who attached a sticker with a banned symbol to his vehicle.

⁵³ Report on the work of general jurisdiction courts on the review of cases against administrative offenders for the first half of 2018 // Official website of the Supreme Court (http://www.cdep.ru/userimages/sudebnaya_statistika/2018/F2-svod_yse_sudy-1-2018.xls).

⁵⁴ Report on the work of general jurisdiction courts on the review of cases against administrative offenders in 2017 // Official website of the Supreme Court (http://www.cdep.ru/userimages/sudebnaya_statistika/2017/F2-svod-2017.xls).

The number of prisoners punished for displaying their own tattoos with Nazi symbols rose. According to our information, in 2018 at least 53 people were punished (as compared to 46 in the previous year), while another three people displayed their tattoos outside of prison.

The majority of offenders were fined between 1,000 and 3,000 rubles. Eleven were sentenced to administrative arrest (from 3 to 10 days).

We learned about 210 people punished under Article 20.29 of the CAO (“Production and Distribution of Extremist Materials or Symbols of Extremist Organizations”), four of them were minors (in 2017, we wrote about 203 people convicted under this article).

According to Supreme Court statistics, 1,133 people were convicted under Article 20.29 of the CAO in the first half of 2018.⁵⁵ For all of 2017, 1,846 were convicted.⁵⁶

The majority of people convicted known to us paid small fines. Seven people were sentenced to administrative arrest. As concerns items on the Federal List of Extremist Materials, which are used in practice under Article 20.29 CAO, the attention of the prosecutors still remains concentrated upon an extremely small number: certain songs of groups popular among ultra-right wingers (*Kolovrat*, *Grot*, *Argentina*, *Psikheya* [Psyche], and others); songs of the Chechen bard Timur Mutsuraev; and ISIS videos. This again provides a vivid illustration of the absurdity of the existence of this monstrous list, which no one, even officials at E Centers, is capable of plowing through.

Fourteen people were held responsible under articles 20.3 and 20.29 of the CAO simultaneously. They were all fined.

Of note is the rare punishment under Article 13.11.1 of the CAO (“Publication of Vacancies Containing Discriminatory Restrictions”): in Noyabrsk, Yamalo-Nenets Autonomous Okrug, the head of the company Pegas OOO was fined for posting a want ad on social media with the proviso that the position could not be held by people “of a non-Slavic appearance.”

When speaking of punishments under administrative articles, we should note that “tools of the commission of a crime” (laptops, tablets, smartphones, etc.) whose value exceeded the amount of fines by many times, were confiscated from convicted persons.

Here we reported on decisions that we consider more or less appropriate. However, we know of at least 29 cases of wrongful punishments under Article

⁵⁵ Report on the work of general jurisdiction courts on the review of cases against administrative offenders for the first half of 2018...

⁵⁶ Report on the work of general jurisdiction courts on the review of cases against administrative offenders for 2017...

20.3 of the CAO and 17 cases under article 20.29. Thus, for 357 appropriate decisions, there were 46 wrongful ones, and the share of wrongful decisions (almost 11.5%) dropped slightly in comparison with the previous years: 72 wrongful decisions against 399 appropriate decisions (that is, 15%).

Blocking on the Internet

The fight of prosecutors against extremist content on the internet carried out by blocking access to banned (or other supposedly “dangerous”) materials remains one of the top priorities in the battle against extremism.

A system of internet filtering is operating on the basis of a Unified Register of Banned Websites, which has been functioning since November 1, 2012. Based on the data of Roskomsvoboda website⁵⁷ (only the Federal Service for Supervision in the Sphere of Communications, Information Technologies and Mass Communications, Roskomnadzor, has the complete information), we believe that 611 resources have ended up on the register “for extremism” following a court decision in 2018 versus 296 a year earlier.⁵⁸ As at January 1, 2018, according to preliminary calculations, the number of resources blocked in this way for the lifetime of the register itself amounts to at least 1,825.⁵⁹ After comparing the data of Roskomsvoboda with the data of Roskomnadzor, we believe that in reality there are actually many more court decisions on the blocking of specifically “extremist content.”

According to our observations, the lion’s share of the resources that ended up in the Unified Register over the year were materials from various types of Russian nationalists ranging from xenophobic songs to the books of well-known nationalist authors (76%) to the materials of Islamist fighters (from ISIS videos to Timur Mutsuraev’s songs) (8%) and non-violent Muslim materials (5%). A noticeable percentage of resources were connected with Ukraine (from radical

⁵⁷ See: The Unified Register of Banned Websites // Roskomsvoboda (<http://reestr.rublacklist.net/>) [name plays on “Roskomnadzor”, the banning entity, and svoboda, freedom].

⁵⁸ See the updated list: ‘Extremist Resources’ in the Unified Register of Banned Websites // SOVA Center (<https://www.sova-center.ru/racism-xenophobia/docs/2019/01/d40512/>).

⁵⁹ Extremism only plays a very small role in this register; according to Roskomsvoboda, the register had a total of 147,186 entries as at February 20, 2018.

According to Roskomnadzor, “in connection with the presence of banned information,” 53,848 websites and/or URLs were entered into the Unified Register for the first quarter of 2018, 49,212 were entered for the second quarter, and 58,111 were entered for the third quarter. See: Report on Activities // Official website of the Federal Service for Supervision in the Sphere of Communications, Information Technology, and Mass Communications. [Access date: February 12, 2019] (<http://www.rkn.gov.ru/plan-and-reports/reports/p449/>).

to non-violent publications of the Ukrainian media, 2% each), while less than 2% accounted for blocked Russian opposition resources and 1.5% were links to the classics of fascism. The remainder of blocked resources (less than 4%) were comprised of materials from other nationalists and Jehovah’s Witnesses, seditious anti-government materials, materials critical of the Russian Orthodox Church, parody materials banned as serious, and radical anti-Christianity websites (with the exception of neo-pagan nationalists).

The quality of these blockings continues to raise eyebrows and sometimes just sarcasm. A good example is the resource marked as “list of audio compositions found for the query “*Pechki-Lavochki*” [translates as ‘this and that, nothing in particular’, or ‘idle, friendly chat’]”. The highest-ranking response given for the query “*Pechki-Lavochki*” on Yandex is the song of the Belarussian folklore ensemble *Syabry*, which was popular in Soviet times. What is probably being referred to, however, is the song “*Pechki-Lavochki*” performed by the ultra-right artist The Czech, which was deemed extremist by the Rtishchevo District Court, Saratov Oblast on June 22, 2017 and added to the Federal List of Extremist Materials under entry no. 4202,⁶⁰ but this is impossible to understand from the descriptions in the register.

In general, we believe that the practice that has taken root over the past two years of blocking not specific websites or pages, but search results for keywords is mistaken (“Links to downloading audiofiles found using the keyword search ‘sacred revenge,’” “list of audiofiles found using the keyword search ‘*Kolovrat kaskadery*’” [Stuntmen; a song originally performed by the group Zemlyane, but reprised by the nationalist musical group *Kolovrat – Trans.*]), and these decisions are clearly wrongful: the keyword search results bring up completely different resources.

The number of obviously wrongful blockings is rising. For example, in 2018 materials of Jehovah’s Witnesses and non-violent Muslim materials were again found in the Unified Register. Resources blocked simply due to lack of understanding were also found in the register.

The Unified Register is supplemented with a separate register according to the Lugovoy law,⁶¹ which envisages the extrajudicial blocking of websites with calls for extremist action and mass disorder, at the request of the Prosecutor General’s Office, but without court proceedings. This “Lugovoy register” is growing rapidly.

It is impossible to give even an approximate count of the resources in the register.

⁶⁰ Federal List of Extremist Materials Grows to Entry 4,202 // SOVA Center. 2017. August 30 (<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/08/d37779/>).

⁶¹ The full name is On Amendments to the Federal Law ‘On Information, Information Technologies, and the Protection of Information.

According to Roskomnadzor,⁶² a total of 51,892 resources were blocked for extremism over the first three quarters of 2018 (data for the full year is not yet available). Almost all of these are not the websites themselves in relation to which a query was received from the Prosecutor General's Office (there are almost 400 of these), but a "mirror" of these websites found by Roskomnadzor itself. And, judging by their number, these are not necessarily "mirrors" in the exact sense, but different websites with the same or very similar materials.

In its reports, Roskomnadzor itself identifies the following types of resources:

- materials with ISIS propaganda – over 17,000;
- materials of Hizb ut-Tahrir – almost 17,000;
- materials of banned organizations from Ukraine (Right Sector, UNA – UNSO, UPA, Stepan Bandera Tryzub [Trident, symbol of Ukraine], Brotherhood, Azov) – almost 5,000
- calls for "mass unrest, extremist activity, participation in mass (public) events conducted in violation of the established order" – 728

Roskomnadzor did not identify the other 12,000 resources.

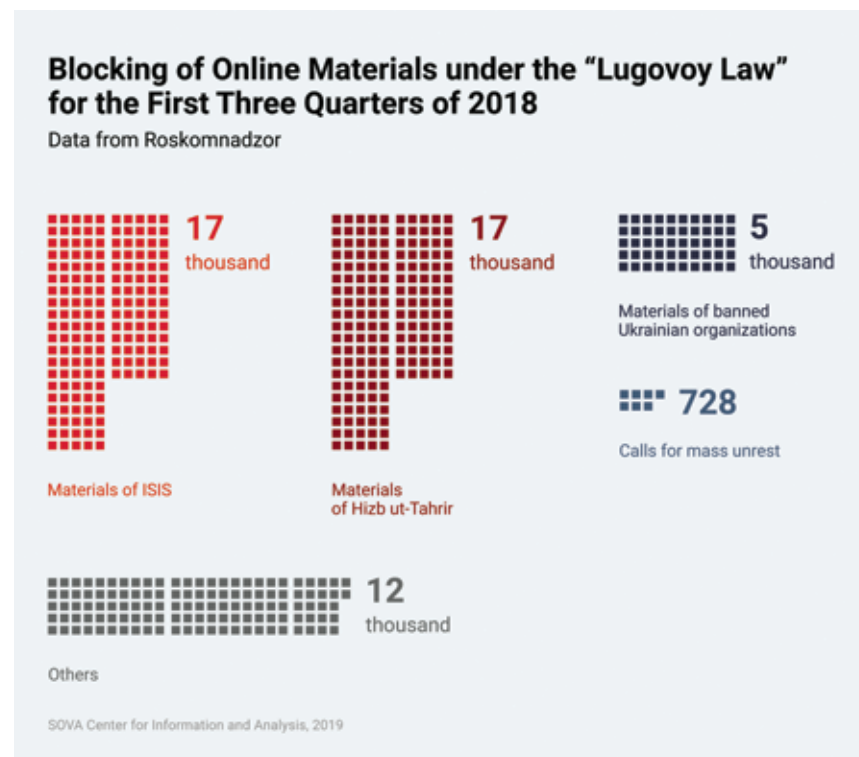
On the other hand, this agency did report that illegal information was removed from 32,235 resources in the first three quarters of 2018 and that the blockings were lifted (it is possible that some of these were blocked previously). Thus, this register grew over this time period to reach approximately 20,000 entries.

The scale of the blockings is shocking, and it is not at all clear which specific resources the agency had in mind or how dangerous the propaganda was. It also remains unclear why these resources needed to be blocked so urgently that they required extrajudicial blocking. The number of wrongful sanctions in this register is also growing. Given such a large scale, it is inevitable that there will be resources blocked by mistake. It is telling that we know the least of all about blocked resources with calls for mass unrest created for mobilization to mass actions, since the "Lugovoy law" was apparently adopted specifically because of the need for such blockings. Experience has shown that it is usually impossible to prevent mass mobilization through blocking: in these cases, many distribution channels are used at the same time, and this information inevitably becomes known to people interested in it.

⁶² Reports on the activities of Roskomnadzor // Official website of the Federal Service for Supervision in Communications, Information Technologies and Mass Communications (<http://www.rkn.gov.ru/plan-and-reports/reports/p449/>).

Technically, these two registers are placed separately on the website of Roskomnadzor, however, the procedure for using them is practically the same. According to a decision of Roskomnadzor, the blocking of a resource can happen for a concrete webpage address (URL), or, more widely, by a subdomain name, or by a physical address (IP).⁶³

Our claims about the effectiveness and legitimacy of these mechanisms remain unchanged.⁶⁴ Every year, the situation changes only for the worse. These registers are swelling, and, unlike the Federal List, they are not published anywhere officially, which complicates public monitoring of this work. As a result, the system for blocking is cause for a great deal of criticism and leads inevitably to political arbitrariness, the pursuit of accountability, and restrictions in freedom of speech on the internet.



⁶³ This leads to the blocking of many obviously innocent websites that simply happen to be on the same server.

⁶⁴ See, for example: Yudina, N. Anti-extremism in Virtual Russia....

Maria Kravchenko

Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2018

Summary

This report presents an analytical review of anti-extremist legislation and its misuse over the past year of 2018. SOVA Center has been publishing these annual reports on a regular basis to summarize the results of the monitoring carried out by the organization since the mid-2000s.

Multidirectional legislative initiatives of 2018 introduced important changes in law enforcement and paved two possible paths for the events to develop in the coming years.

Under public pressure, Article 282 of the Criminal Code (incitement of hatred) was partially decriminalized, making it possible to close or review hundreds of criminal cases tried in the recent years. The Supreme Court of the Russian Federation made extremely important recommendations on applying the norms on “extremist statements”; the implementation of these recommendations can improve the law enforcement practice significantly. The procedural legislation was amended to streamline the procedure for declaring materials extremist or prohibited for distribution. New bills have emerged to soften the absolute ban on displaying prohibited symbols, which currently leads to absurd administrative prosecution cases. If the authorities continue to consistently follow the path of reforms and move on to eliminate other numerous shortcomings of the anti-extremist legislation, the restrictions of basic civil liberties – freedoms of speech, conscience and association could be relaxed considerably. Such a development would be all the more appropriate since, in the year under review, the European Court of Human Rights considered a number of complaints from Russian citizens about the use of anti-extremist legislation and related norms and found violations of fundamental rights guaranteed by the European Convention in the decisions issued by the Russian courts. The decisions handed down by the Court in Strasbourg could serve as a guide for changes to be implemented in both legislation and problematic law enforcement practices.

However, the state is just as likely to take another road – the one of “tightening the screws” further and establishing more stringent control over the independent public opinion, which, today, manifests itself primarily on the Internet. There are good reasons to suggest the latter scenario – in 2018 and the early months of 2019, the State Duma adopted in the first reading several bills aimed at strict regulation of online activity, and they could be approved in one form or another. Additional legal norms were also introduced to restrict the rights of those “involved in extremist and terrorist activities.”

Speaking of the law enforcement statistics for 2018, the year brought no radical changes in prosecutions under the articles pertaining to “extremist statements” – mass closing of court cases and revisions of the sentences under Article 282 will take place in 2019. We can only note that inappropriate prosecutions we identified in the period under review were directed primarily against activists; ordinary citizens, who happened to randomly catch the law enforcement’s eye, were less affected than in the few preceding years. Increasingly, this year, the investigation and the court had to close the cases on insulting the feelings of believers, which, obviously, do not fit the legal framework of a secular state.

As for the policy toward religious minorities, we have to acknowledge that the authorities have been increasing their pressure against religious organizations and movements of foreign origin, probably viewing their functioning in Russia as undesirable and not taking into account the notion that Russian citizens have the right, guaranteed by the Constitution, to choose their confession and to profess it individually and collectively. With respect to followers of inappropriately prohibited Islamic movements and associations – followers of Said Nursi and Tablighi Jamaat, recognized as extremist, and the Hizb ut-Tahrir party recognized as terrorist – the changes in 2018 did not result in an expanded scope of persecution, but have brought much harsher penalties for continuing the activities. Jehovah’s Witnesses, whose Russian organizations were completely banned in 2017, faced mass criminal prosecution. This persecution caused a dramatic increase in our statistics – the number of individuals wrongfully prosecuted in extremist criminal cases has tripled in 2018, compared to the preceding year.

Lawmaking

The year 2018 was marked by important initiatives, some of which were aimed at liberalizing the legislation, while the other provided for new and very significant restrictions.

The President’s amendments to Article 282 of the Criminal Code became the most notable event of the year. The problem with using Article 282 of the

Criminal Code – increasingly visible in recent years as its application has expanded – remained in the center of public attention throughout 2018. During the “Direct Line with the President” in June, Deputy Sergei Shargunov (the author of yet another initiative to change the article) spoke on the need to reform the anti-extremist legislation and law enforcement practice. Following Putin’s instructions, *Obshcherossiysky narodny front* [All-Russia People’s Front] (ONF), took up the task of drafting possible changes, and the Supreme Court of the Russian Federation issued new clarifications on the use of anti-extremist legal norms.

The Supreme Court resolution, published in September, indicated that, when anti-extremist articles are applied, the fundamental freedoms could be restricted only in extreme cases, in accordance with the Constitution and international law. The court recommendations mostly pertained to the cases under Article 282 of the Criminal Code for online publications. The Supreme Court clarified the process of evaluating the context of a public statement when deciding on the motive of a defendant, charged with incitement to hatred. In particular, the Court recommended to take into account the form, content and extent of the statement, presence of any commentary describing the publisher’s attitude toward the material, the overall content of the defendant’s account and information about their personality and activities.

When analyzing a statement to decide whether it represents a danger to society or whether it is an insignificant act that does not merit prosecution, the Supreme Court suggested taking into account the size and composition of the post’s audience and its reaction to the published statement. The Court also indicated the possibility of appeals, citing the above circumstances, against the decisions to initiate court proceedings. All these explanations were made only with respect to Article 282 of the Criminal Code, although the same should obviously apply to other articles that deal with public statements.

The Supreme Court also commented on the issue of using expert opinions in cases involving Article 280 (incitement to extremist activity), Article 280¹ (incitement to violation of the territorial integrity of the Russian Federation) and Article 282 of the Criminal Code. The Supreme Court indicated, once again, that an expert opinion in these cases had no predetermined validity and no advantage over other evidence, whereas the task of evaluating public statements for possible liability under the provisions of the anti-extremist Criminal Code articles falls within the exclusive competence of a court.

The Prosecutor General’s Office followed the Supreme Court’s example. An order to strengthen prosecutorial oversight over the investigations related to extremist crimes was signed by the Prosecutor General in late September. Following the lead of the Supreme Court, the Prosecutor General’s Office stressed

the need to examine the motive of the supposed perpetrators and establish the intent of inciting hatred; it further required that not only distributors, but also creators of such content be held accountable. The document specifically emphasizes that prosecutors need to put an end to the cases of unreasonable prosecution; but, at the same time, they should examine the legal validity of criminal case terminations and report back to the Prosecutor General’s Office. Prosecutors should also maintain detailed regional-level registries of extremist crimes and of reports on such crimes. Finally, the prosecutor-general’s order paid particular attention to the need to investigate violent hate crimes and cases related to extremist communities and organizations.

The Prosecutor General’s Office, once again, emphasized the need to involve academic experts in investigating extremist cases (although the Supreme Court has stated that requests for such an expert opinion are not always appropriate). The document also discussed the quality of expert opinions in such cases. The agency recommended that, when assessing the legality of procedural decisions, “the opinions of specialists and experts be examined carefully, paying particular attention to the following: correspondence of their conclusions to the content of their analytical part and to questions reflected in the request for an expert opinion (examination); completeness and comprehensiveness of their conclusions; qualifications of experts (specialists) and the extent of their authority to evaluate the stated facts.” Hence, the Prosecutor General’s Office recommended avoiding the currently widespread practice of automatically copying the experts’ conclusions with “no reason to doubt” their competency.

Ambiguously worded project to reform Article 282 of the Criminal Code, submitted to the State Duma by deputies Shargunov and Zhuravlyov, received negative reviews and was not considered. However, it served as the basis for a package of bills developed by the ONF on behalf of the President and submitted to the parliament by Vladimir Putin in October. It was adopted in record time, signed on December 27, 2018 and entered into force on January 7, 2019. The reform introduced partial decriminalization of Article 282 Part 1 of the Criminal Code – the first violation is now punished administratively under the new Article 20.3.1 of the Code of Administrative Offenses, which corresponds exactly to the composition of Article 282 Part 1. Administrative responsibility has been extended to legal entities. Criminal liability is incurred only if the law is violated for a second time within a year following the administrative prosecution. The only amendment made in the second reading on December 19 was related to establishing a one-year limitation period for administrative liability under Article 20.3.1 (as opposed to the three months period after the offense, currently established for administrative offenses that require court proceedings). The proposals of the Ombudsman and the President’s Human Rights

Council – to exclude the clause on belonging to a social group from Articles 282 and 20.3.1, to exclude criminal prosecution for humiliation of dignity and to introduce criminal liability only for the third, rather than the second, violation within one year – were not taken into account.

Partial decriminalization of Article 282 will allow many citizens accused of inciting hatred to avoid overly harsh punishment and a criminal record. The Supreme Court resolution and the expected amendments to the article already led to revision and closing of a number of cases in late 2018. The process of reviewing previous sentences as well as removal of unexpired criminal records has started in January 2019. Certainly, we are going to see fewer sentences under Article 282. However, a number of emerging concerns has to be noted as well.

First, the procedures for initiating an administrative offense cases are much simpler than in criminal proceedings, and the burden of proof is much lighter; therefore, we can expect a significant increase in the number of prosecutions for inciting hatred, most of which will take place within the framework of the Code of Administrative Offenses. The provision, stipulating that only prosecutors and not the police have the right to open administrative proceedings under Article 20.3.1 could, to some extent, serve as a sole possible deterrent to the rapid proliferation of prosecutions under the new article.

Next, one should not forget that the Criminal Code still contains the unmodified Article 280, which covers calls for extremist activities. Since the definition of extremist activities includes incitement of hatred, law enforcement agencies can bring charges under this article, if they so desire. The established practice is to file charges under two articles at once in the cases where the incitement of hatred is accompanied by calls for violence. However, belligerent xenophobes are not the only ones who should keep their vigilance – let's not forget that the elastic formulation of Article 280 creates ample opportunities for criminal prosecution of activists. Article 280¹ (“Calls for violation of the territorial integrity of the Russian Federation”), Article 354¹ (“Rehabilitation of Nazism”) and Article 148 (“Insulting the feelings of believers”) are also still present in the Criminal Code.

Many abuses of anti-extremist norms are caused by flaws in their wording and the corresponding wording in the Law on Combating Extremist Activity. The reform addressed only Article 282; it failed to include the clarifications and corrections proposed for the problematic provisions of the anti-extremist legislation. The Supreme Court resolution may have a positive impact on enforcement, but only if law enforcement agencies and courts actually follow it. Experience shows that the prior Supreme Court recommendations on the extremism-related cases have often been ignored even by the Supreme Court itself. Obviously, future development of law enforcement in this area depends on the political will of the authorities.

Meanwhile, the ONF decided to take the matters further and proceeded to work on a project to reform Article 20.3 of the Administrative Code, which covers the display of prohibited symbols. In December, a group of State Duma deputies, headed by Chair of the Committee for Culture Yelena Yampolskaya, submitted to the lower chamber a package of bills amending the article. The draft legislation is intended to limit the effect of the article so that, when it is applied, the context for displaying the symbols of prohibited organizations is taken into account. At this time, Russian legislation allows for punishing any display of such symbols whatsoever, leading to numerous cases of unreasonable prosecution. The authors proposed no clarification to indicate that demonstration of the symbols of banned organizations is punishable under this article only if it is intended as propaganda – although such a clarification alone would have been sufficient for avoiding the majority of abuses related to the application of this legal norm. The draft proposes merely to supplement the article with a note, according to which the provisions of the article do not apply to cases, in which banned symbols are used “in works of science, literature, or art, in mass media output as well as for teaching and educational purposes by educational institutions, on condition of condemnation of Nazism and extremism and promoting negative attitude towards Nazism and extremism, in the absence of signs of propaganda and (or) justification of any Nazi or extremist ideology.”

Notably, the wording of the note as proposed by Yampolskaya's group is much narrower than the one proposed earlier by the Ministry of Communications or the one proposed by Senator Anton Belyakov, who introduced his own version of the amendments to the State Duma in February 2018. Belyakov proposed to change the title and the wording of the article so that the ban only pertains to “propaganda or public demonstration for propaganda purposes” of Nazi symbols and symbols of extremist organizations. The note in Belyakov's version also allowed the use of such symbols “in works of science, literature or art, or for informational, training or educational purposes in the absence of signs of propaganda, and/or justification for extremism.” In our opinion, Belyakov's proposal is more effective than Yampolskaya's amendments.

Apparently, the note proposed by Yampolskaya's group will not always help to protect citizens from unreasonable prosecution. After all, they will have to prove every time that an image they publish belongs to “works of science, literature, or art” since otherwise only mass media outlets or educational organizations may publish it. The requirement for a publication to unequivocally condemn certain ideology is not always appropriate and looks out of place, if an image in question is a neutral reproduction not in the context of discussing ideology or practice of a particular prohibited organization.

A certain positive effect can be expected from a change in the procedure for banning materials as a result of the new amendments to the procedural legislation that were approved by the President in November, but will only enter into force in the fall of 2019. Among other norms, the innovations will also affect the court procedures with regard to claims on deeming materials as extremist or on recognizing information as prohibited. According to the new law, the cases pertaining to recognition of materials as extremist are transferred from the civil proceedings to the administrative sphere. When considering a prosecutorial claim to recognize certain materials as extremist, the court is obligated to involve persons, whose rights and legal interests may be affected by the judicial decision. In addition, “if a person, whose actions have led to filing of an administrative claim, has been identified” the court shall involve them in the case as a defendant and impose legal costs on them. If such a person has not been identified, the Ombudsman of the Russian Federation (or of a respective unit of the Federation) will be involved in the consideration of the case “for providing an opinion.” In addition, the court will be able to take “preliminary protective measures in the form of restricting access to extremist materials” while the case is under consideration, and, if the claim is satisfied, the decision regarding the ban will take effect immediately. The cases on recognizing certain information as prohibited will proceed in a similar fashion. The key procedural difference for these cases is mandatory participation of Roskomnadzor in the proceedings. Thus, the favorable conditions have been created to terminate the practice of banning materials without adversarial proceedings – the change that can reduce the number of inappropriately banned materials. However, this reform will not make the Federal List of materials, whose length approaches 5,000 entries, into an acceptable and effective mechanism for countering the spread of radical ideology.

All the remaining legislative innovations and initiatives of 2018 related to regulation were proscriptive.

In late June, the president signed a law establishing the responsibility of web search engines for showing links to banned sites and for failure to connect to the information system containing data on blocked sites. The law introduced Article 13.40 (“Failure to perform duties by a search engine operator”) into the Code of Administrative Offenses; citizens operating the offending search engines may be fined 5 thousand rubles, officials – 50 thousand rubles, and legal entities – from 500 to 700 thousand rubles. At the time of writing the report, Yandex was already connected to the Roskomnadzor system, while Google refused to do so and continued to review the agency’s blocking decisions on the case by case basis.

In addition, the Administrative Code article on failure to submit information to Roskomnadzor was augmented with a new part, which punishes hosting

providers for failing to submit to Roskomnadzor, in a timely manner, the information identifying their clients who own anonymizing websites or VPN-services. A fine of 30 to 50 thousand rubles has been established for individuals, and of 50 to 300 thousand rubles for legal entities.

The fate of the extremely controversial bills described below is not yet clear, but they can be quickly approved if the authorities suddenly consider the introduction of such norms expedient.

In April, a new and even harsher version of the bill by deputies Sergei Boyarsky and Andrei Alshevskikh (*Yedinaya Rossiya* [United Russia]) on combating illegal information on social networks was introduced in the State Duma and adopted in the first reading. The bill introduces a new concept of “public network owner.” Its insufficiently precise definition leaves room for interpretation – such networks can be understood to include not only social networks, but any network platform where users can leave comments and generally exchange messages – all the way to instant messengers, e-mail services, online games, and so on. Owners of such “public networks,” whose audience in Russia exceeds one hundred thousand users are obligated to open their representative offices on the Russian territory in order to address user complaints about illegal content (including materials intended to promote war or incite hatred) and remove it within 24 hours. In addition, “public networks” are required to abstain from participation in dissemination of the following information: any secrets protected by the law, extremist materials, propaganda of violence and cruelty, pornography, false information on the issues of public importance (although this notion has not been clarified in any way), and even materials containing obscene language. The public networks will also have to observe restrictions stipulated by the legislation on elections and referendums. The network owners will have to provide Roskomnadzor with access to the incoming complaints. The agency will be able to identify illegal information and require that the network owner eliminate violations within 24 hours; it can also order the illegal content removed upon request from the authorized state agencies. If a network owner refuses to comply with these requests, Roskomnadzor will block the problematic content (in reality, this is impossible in most cases) and, if the court determines that a “public network” has refrained from blocking the content on two separate occasions, the network itself will also be blocked. In addition, the amendments to the Code of Administrative Offenses, adopted in the first reading, specify multimillion-dollar fines for non-compliance with the requirements of the proposed law. In our opinion, the amendments by Boyarsky and Alshevskikh imply a total extension of the extra-judicial mechanism for blocking information on the Internet, impose on the owners of “public networks” an obligation to perform judicial functions, and, de-facto, aim to use the owners as instruments for implementing the state censorship.

In early August, the Ministry of Communications released for public discussion a draft amendment of the Federal Law on Information. At the time of publication of this report, it was still under negotiation and has not yet been submitted to the Duma for consideration. The Ministry proposes adding the information that contains “justification of and excuse for extremist and (or) terrorist activities” to the types of information listed in the law as subject to extra-judicial blocking at the request of the Prosecutor General’s Office. The proposed changes, in our opinion, can lead to further increase in abuses related to restricting freedom of speech. While “public justification of terrorism” is defined in the relevant Article 205² of the Criminal Code (“A Public statement on the recognition of the ideology or practices of terrorism as correct, and in need of support and following), Russian legislation never defines the concept of “justification of and excuse for extremist activity,” opening the way for arbitrary interpretations. The Communication and Information Technologies Working Group of the Government’s Expert Council also expressed its concerns regarding the vague wording used in the project.

However, the misgivings of experts and even entire agencies do not necessarily mean that the bill will not be submitted to the Duma.

In December, Deputy Dmitry Vyatkin ((*Yedinaya Rossiia* [United Russia]) and Senators Alexander Klishas and Lyudmila Bokova (the heads of the Federation Council Committee on Constitutional Law) submitted to the State Duma two draft legislative packages seeking to punish citizens for dissemination of objectionable information on the Internet. This was the first time, when the sanctions specifically punishing online behavior were introduced in the Duma.

The first of the proposed projects was intended to prevent the dissemination of online information targeting an unlimited number of people and “expressing obvious disrespect in indecent form” toward the society, the state, the official state symbols, the Constitution and the agencies exercising state power in the Russian Federation, “if these actions do not constitute a criminal offense.” The authors suggested adding Part 3 to Article 20.1 (“Petty hooliganism”) of the Code of Administrative Offenses. The new provision would punish for the offense described above by imposing an administrative fine ranging from one thousand to five thousand rubles or an administrative arrest for up to fifteen days. Introduction of a procedure for extrajudicial blocking of such information is expected as well. The draft contains vague formulas (“expressing disrespect in indecent form” has not been clearly defined) and suggests excessive legislative norms duplicating the existing articles of the Criminal Code on socially dangerous statements. Furthermore, it creates the risk of excessive interference of the authorities in the Russian citizens’ right to freedom of opinion and expression on the Internet, where communication

has its own stylistic peculiarities and is governed by the rules established by the social networks administration.

The second package of bills suggests imposing sanctions for distribution of “deliberately inaccurate socially significant information, disseminated under the guise of reliable messages, that creates a threat to the life and (or) health of citizens, threat of mass violation of public order and (or) public safety, of breakdown in the functioning of the essential services, transport or social infrastructure, or other grave consequences” via mass media or the Internet. The authors propose adding Part 9 to Article 13.15 of the Code of Administrative Offenses (“Abuse of freedom of the media”), which would stipulate a punishment for such violation – an administrative fine ranging from three thousand to five thousand rubles for individuals, from 30 to 50 thousand rubles for officials and from 400 thousand to one million rubles with confiscation of means of committing the offense for legal entities. We regard the use of the term “deliberately inaccurate” in the legal sphere in relation to socially significant information as problematic. It will be almost impossible to establish the presence of intent in the relevant cases, that is, to prove the fact that a violator knew for a fact that the incriminating information was unreliable and that its dissemination would lead to the named or even to certain unnamed “grave” consequences. On the other hand, the courts’ failure to pay due attention to determining such an intent would inevitably lead to violations of the citizens’ rights to freedom of receiving and disseminating information, freedom of expression and freedom of assembly. In addition, according to the existing legislation, if a person publicly urged citizens to engage in illegal activity or shared prohibited information, such publications fall under the relevant articles – criminal Article 280 (“Incitement to extremism”), 205² (“Incitement to terrorism”), 212 (“Mass riots”), or administrative Article 20.29 (“Dissemination of extremist materials’) and others – regardless of whether the disseminated information was false or truthful. Thus, the proposed law is redundant.

Despite criticism from the Prosecutor General’s Office, the Ministry of Communications and Mass Media, the Ministry of Justice and Roskomnadzor, the bills eventually received the necessary positive feedback from both the government and parliamentary committees. In January 2019, both packages were approved by the lower house in first reading. We can possibly expect substantial amendments to the text of the draft laws in the second reading, but improvements to individual formulas in the Klishas bills will not make the proposed norms expedient.¹

¹ In March 2019, i.e. beyond the reporting period, both of Klishas bills were approved by the Duma in the second reading with certain amendments, then upheld by the Federation Council and signed by the President.

Yet another round of tougher measures, introduced in 2018 for different categories of individuals accused and convicted under anti-terrorist or anti-extremist articles, is also worth noting.

Thus, in June, a plenary meeting of the Supreme Court of the Russian Federation adopted a resolution “On Certain Issues Related to Using Confiscation of Property in Criminal Proceedings.” In the draft resolution, the Supreme Court *inter alia* indicated that “any property belonging to the defendant that is an instrument, equipment or other means of committing a crime” (including cell phones, computers, etc.) is subject to confiscation in the criminal cases on extremist or terrorist activity. At the same time, as the Supreme Court noted, if money, valuables or other property were intended for “financing terrorism, extremist activity, an organized group, illegal armed formation or a criminal association (criminal organization),” then in accordance with Article 104¹ Part 1 Paragraph “c” of the Criminal Code, such items are subject to confiscation “regardless of their ownership.” Accordingly, seizure of property for the purpose of securing possible confiscation can be applied not only to the suspects, defendants or individuals materially responsible for their actions, but to any persons, if “there are sufficient grounds to believe” that it was used as an instrument of crime. In its reasoning for the relevant resolution, a court has to justify its choice of property rights restrictions as “necessary and sufficient” for ensuring the preservation of the property in question.

In October, Putin signed a law allowing to ban foreigners, who are on the Rosfinmonitoring list of extremists and terrorists (as well as those whose bank accounts were frozen by a court or by the Interdepartmental Commission on Counteracting the Financing of Terrorism) from entering Russia. It should be noted that, in practice, foreigners included on the extremists’ list were regularly barred from entering the country even prior to these amendments “in order to ensure the defense capability or security of the state.”

A package of bills, signed in December, stipulated harsher conditions of serving the sentences for offenders convicted under a number of the Criminal Code articles (primarily pertaining to terrorism) or offenders, who have a “destructive impact” on their cellmates. The package expands the list of conditions that allow courts to decide on imprisonment for at least part of the term, to specify initial mandatory prison term under a number of Criminal Code articles and to prohibit the early transfer of inmates with positive characteristics to penal colonies. In addition, the new legislation gives the Federal Penitentiary Service of Russia discretion to determine the location for offenders to serve their sentences (regardless of their crime), if they are noticed to have a “negative impact” on their cellmates or engage in propaganda of terrorist ideologies. These provisions do not pertain to ordinary members of extremist groups or organizations convicted under Article 282¹ Part 2 and Article 282² Part 2.

The Practice of the European Court Of Human Rights

In 2018, the European Court of Human Rights (ECtHR) continued to review complaints by Russian citizens against the application of anti-extremist laws and related legal norms.

The Court found that Russia had violated the article of the European Convention on Human Rights on the right to freedom of expression in a number of cases. Some ECtHR findings in these cases replicated the findings made with respect to Russian cases in 2017, but the court also brought up a number of new considerations, to which we would like to draw attention.²

In April, the ECtHR reviewed a complaint of 24 former members of the banned *Natsional-Bolshevistskaya Partiya* [National Bolshevik Party] (NBP), who participated in an action of protest held in the waiting area of the Presidential Administration building in Moscow on December 14, 2004. The Court found that Article 6 (the right to a fair trial), Article 10 (the right to freedom of expression) and Article 11 (freedom of assembly) of the European Convention on Human Rights had been violated with respect to the applicants. In total, 39 people were convicted in the case of the occupation of a room in the Presidential Administration’s Office (31 activists received suspended sentences, and eight received real prison terms); they were found guilty of participation in mass riots under Article 212 Part 2 of the Criminal Code. In our opinion, this verdict was inappropriate – the events occurring inside one room can hardly be classified as mass riots. In addition, the actions of the National Bolsheviks were not accompanied by “mass riots attended by violence, pogroms, arson, the destruction of property, the use of firearms, explosives, or explosive devices, and also armed resistance to government representatives,” as described in the provisions of Article 212.

In May, the ECtHR ruled on the complaint of Boris Stomakhin, a journalist and publisher of the *Radical Politics* bulletin, convicted in 2006 under Articles 280 and 282 of the Criminal Code (calls for extremist activities and incitement of hatred) for publications, in which Russian courts found statements directed against the Russians, Christian Orthodox believers, Russian military personnel and law enforcement officers. Among the statements incriminated to Stomakhin, the ECtHR identified a number of pronouncements that ro-

² See: The Practice of the European Court Of Human Rights in: Kravchenko, Maria. Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2017 // SOVA Center. 2018. 24 April (https://www.sova-center.ru/en/misuse/reports-analyses/2018/04/d39253/#_Toc507372740).

manticized and idealized the actions of Chechen separatists and demonized the Russian military and law enforcement officers; they also included calls for violent uprising and armed resistance and approval of terrorist acts as a form of struggle. In addition, the bulletin presented ethnic and religious groups (the Russians and the Orthodox believers) in a negative light – for example, both groups were indiscriminately accused of serious crimes. The European Court found such statements to be contrary to the principles of tolerance and non-discrimination. With regard to these groups of statements, the ECtHR regarded the state intervention in Stomakhin’s right to express an opinion as “necessary in a democratic society.” Other statements by Stomakhin, which called for collecting information about the crimes committed by the Russian authorities in Chechnya, according to the ECtHR, only criticized the actions of the Russian government, albeit in a particularly harsh manner, and interference with Stomakhin’s right to express opinion was not justified in these cases. In general, the ECtHR decided that it was possible to view the verdict to Stomakhin as rendered in accordance with the law and for a legitimate purpose – he was prosecuted in order to protect the rights of others, and “in the interests of national security, territorial integrity or public order, in order to prevent disorder or crime,” which corresponds to Article 10 Paragraph 2 of the European Convention. However, the court concluded that five years of imprisonment along with the ban on journalistic activities solely for the utterances had constituted a disproportionate measure. The ECtHR emphasized that, at the time of publication of his texts, Stomakhin was not a widely known and influential figure; the run of his bulletin was very small, thus significantly reducing the potential impact of his statements.

In July, the European Court of Human Rights issued a ruling regarding the complaint of the members of the Pussy Riot music band about the prosecution against them under Article 213 Part 2 of the Criminal Code (“Group hooliganism motivated by religious hatred”) for their action in the Cathedral of Christ the Savior. The ECtHR found that several provisions of the European Convention on Human Rights had been violated with respect to the applicants. According to the ECtHR, the failure of the Russian courts to provide the public with relevant and sufficient grounds justifying the criminal punishment and imprisonment of Pussy Riot participants, and the lack of proportionality between sanctions imposed on them and the declared legitimate aim constituted a violation of Article 10. The ECtHR presented similar consideration with regard to the ban on Pussy Riot videos recognized as extremist. Accordingly, the court concluded that the interference in the rights of the group’s participants had not been necessary in a democratic society. The court declined Russia’s request to transfer the Pussy Riot case to the appellate court (the Grand Chamber).

On August 28, 2018, the European Court of Human Rights (ECtHR) ruled on two cases that involved application of Russian anti-extremist legislation.

The ECtHR upheld the complaint of the blogger Savva Terentyev against the verdict in his case issued under Article 282 Part 1 of the Criminal Code; the court awarded Terentyev a compensation for legal expenses, but refused to compensate him for moral damage. Terentyev – a musician and a blogger – was given a one-year suspended sentence by the Syktyvkar City Court in 2008 for a comment he had left on a local journalist’s blog. In this comment he sharply criticized the police and called for installing ovens on town squares for burning the “infidel cops.” The court found Terentyev’s statement to contain incitement to violence against the police officers as a social group. The ECtHR drew attention to the fact that Terentyev’s comment was made in the context of a discussion of the alleged police involvement in silencing and oppressing the political opposition during the electoral campaign. It, therefore, pertained to a matter of public concern in the pre-election period, and in such cases restrictions of freedom of expression are to be particularly strictly construed. From the ECtHR’s point of view, despite the fact that the blogger’s statement was provocative and rude, it should have been interpreted not as a call to real violence, but as a metaphor, which affirmed the applicant’s wish to see the police “cleansed” of corrupt and abusive officers. The court also pointed out that the police – a law-enforcement public agency – can hardly be described as an unprotected minority or group with a history of oppression or inequality. Accordingly, the police should display a particularly high degree of tolerance to offensive speech, unless such inflammatory speech is likely to provoke imminent unlawful actions in respect of their personnel and to expose them to a real risk of physical violence. It has only been in a context of armed conflicts, fight against terrorism or prison riots that the Court has accepted the interference with such statements as justified. The Russian courts failed to explain exactly how the words of Terentyev, who was not a popular blogger, had threatened public security.

On the same day, the European Court upheld two claims against Russia, challenging the prohibition as extremist of fifteen books by Turkish theologian Said Nursi from the *Risale-i Nur* collection. Citing religious scholars from various countries, the court noted that Said Nursi was a well-known moderate Muslim theologian, who advocated open and tolerant relations between representatives of different religions and opposed violence in any form. The Russian side submitted no evidence that dissemination of these works had caused inter-religious tensions or other harmful consequences, let alone violence. Certain demeaning words, used in the book to characterize followers of other faiths, did not cross boundaries of permissible criticism of other religions. The author’s intent to convince the readers to adopt his religious beliefs did not lead him to advocate any illegal methods for achieving this goal.

The court specifically noted that cultural, historical, religious and other local peculiarities, which entail wide opportunities for regulating inter-religious relations in national legislation, do not, however, give a single country the right to prohibit its citizens from access to authoritative religious literature that is widely available throughout the world. The ECtHR has once again pointed out that Russian judges relied entirely on the expert opinions provided by the prosecutors, while refusing to take into account the expert opinions submitted by the other side as well as the opinions of the heads of Muslim organizations and experts on Islam.

In 2018, the ECtHR communicated at least 12 more complaints related to the use of anti-extremist articles of the Criminal Code and the Code of Administrative Offenses and to bans against organizations (in particular, local Jehovah's Witnesses communities) as extremist. At the same time, the ECtHR issued a number of very relevant comments on methodology of proof in these cases, the use of expert opinion, determining proportionality of the repressive measures, and so on. We believe that the ECtHR documents constitute the most important guidelines for potential alignment of the Russian law enforcement practices with the general European legal principles.

Principal Targets of Persecution

Ideological Opponents of the Regime

Law enforcement agencies continue to focus their attention on the activists' social network pages. In the year under review, this heightened vigilance of law enforcement officers with respect to such publications resulted in a number of unjustified criminal prosecution cases.

Prosecutions for Incitement to Extremist Activities

In June, the Toropets District Court of the Tver Region issued a verdict in the case of local resident Vladimir Egorov, charged with public incitement to extremist activities via the Internet (Article 280 Part 2 of the Criminal Code). The opposition activist was found guilty and received a suspended sentence of two years followed by a three-year probation period and the ban on moderating websites. The court also ordered to have the CPU removed from his personal computer. Egorov filed an appeal with the ECtHR. The prosecution was based on Egorov's post in the VKontakte public group "Toropets Citizens," of which he had been a moderator. The post contained a photo of Putin and the text stating that intelligence services- directed propaganda worked to exonerate the head of state, while shifting the blame for all government blunders to other

officials. The author urged "not to be led astray" by such propaganda tricks, and declared that "the chief Kremlin rat with his friends and partners in crime should be brought down." Such abstract, albeit aggressive, anti-government statements by ordinary citizens pose no significant danger, since they cannot be implemented by the author's audience. In our opinion, criminal prosecution in such cases, is inappropriate — removal of a provocative post is quite sufficient.

In the summer, the media reported on the case opened under Part 2 of Article 280 of the Criminal Code ("Public calls for extremist activities on the Internet") against Abakan resident Lydia Bainova. Bainova, known in the republic as a popularizer of Khakass culture, was brought to trial in Abakan. She was prosecuted for her post of July 2017 on VKontakte. According to Bainova, she created a post on the social network after, at the entrance to the playroom in one of the city cafes, the children said to her and her daughter: "Only Russians can come in here." In her post, Bainova expressed her protest against the fact that people "to whom this land belongs" were not respected in Khakassia, and characterized the degree of her indignation, adding: "In such moments, it feels like we need to arrange a revolution, a takeover! Return power and land to our people! Take it back in a fight!" However, the regional FSB department terminated the case against Bainova in November, having found in her actions no intent to incite extremism. The Prosecutor's Office of the Republic later apologized to her for the damage caused by the unfounded prosecution. Indeed, Bainova's post was emotionally charged and therefore abrasive, but such statements should not be regarded as calls for extremist activity representing a significant danger for society and meriting criminal prosecution.

Prosecutions for Calls for Separatism

In April, the Severomorsky District Court of the Murmansk Region issued a suspended sentence of one and a half years with a probation period of one and a half years to local resident P. under Article 280¹ Part 2 of the Criminal Code ("Public calls for violation of the territorial integrity of the Russian Federation via the Internet"). P. was prosecuted for the comments he left under the news post "Barque *Sedov* will no longer belong to Murmansk," on VKontakte. His comments were as follows: "The Murmansk region should be separated from Russia altogether. The entire periodic table is underground in the region. We need to hold a referendum, and all the money would remain in the region," "I am in favor of the referendum. To each resident of the Murmansk region — 10 thousand euros on their personal account," and "To secede from Russia." It was reported that "at the court hearing, P. fully admitted his guilt, repented of his deed, and actively assisted the preliminary investigative agencies in the detection and investigation of the crime." In our opinion, calls for a referendum should not be prosecuted; the

sanctions are appropriate only against calls for violent actions with secessionist goals. Article 280¹, which does not limit prosecution in this manner, unreasonably restricts the discussion of the territorial composition of the Russian Federation.

In November, a court in Ulyanovsk issued a suspended sentence of two years with the ban on leading any public organizations to Ivan Kolotilkin, an activist of the *Obshchina korennykh russkogo naroda* [Community of the Indigenous Russian People] (OKRN). He was found guilty under Article 282 Part 1 and Article 280¹ Part 1 of the Criminal Code. The prosecution against Kolotilkin was based on the fact of his handing out leaflets, which contained ethno-xenophobic (probably anti-Semitic) propaganda and called for creating a new (ethnically) Russian state of on the territory of Russia. We doubt the appropriateness of the charges related to the calls to violate territorial integrity of the Russian Federation, since the known materials of the Ulyanovsk OKRN contain no calls for violent separatism.

Prosecutions for Incitement to Hatred toward Public Officials and Other Anti-Government Statements

In November, the Magassky District Court of Ingushetia sentenced the opposition activist Magomed Khazbiev to two years and 11 months of imprisonment in a settlement colony and a fine of 50 thousand rubles, having convicted him of illegal possession of weapons and explosives (Article 222 Part 1 and Article 222¹ Part 1 of the Criminal Code), insulting a representative of the authorities (Article 319 Part 1 of the Criminal Code) and inciting hatred against head of the Republic of Ingushetia Yunus-Bek Evkurov, as well as against “representatives of the judicial system, law enforcement agencies, the government, and the authorities of the Republic of Ingushetia as a whole” (Article 282 Part 1 of the Criminal Code). The latter charge was related to Khazbiev’s interview, in which he criticized the republic’s authorities and called for their replacement. We regard this part of the verdict as inappropriate, since a call for changing the government, as long as it doesn’t involve any calls for unlawful actions, belongs to the sphere of public debate, not of the criminal law enforcement. In addition, as explained by the Supreme Court, the criticism of officials “in and of itself, should not be viewed in all cases as an act aimed at humiliation of dignity of a person or a group of persons, since the limits of permissible criticism of officials and professional politicians are wider than regarding ordinary citizens.”

The verdict imposed in May under Article 282 Part 1 by Balaklavsky District Court of Sevastopol on a local resident I. Stukalo also gives reasons for doubt; he received a suspended sentence of two years with an eight-month probation period. According to the law enforcement, the Balaklava resident published on

his social network page an image with the caption intended “to incite hatred and hostility towards law enforcement agencies of the Russian Federation.” We have no information on the image in question and do not know whether the caption contained calls for violence. However, in general, we believe that law enforcement officers do not constitute a vulnerable social group in need of protection under Article 282. On the contrary, they belong to the category of officials who should not be overly sensitive to harsh criticism.

It became known in July that student Ibrahim Yangulbaev was under arrest in Grozny, charged under Article 282 with inciting hatred against the social group “Russian military personnel.” The prosecution against Yangulbaev was based on his VKontakte publication of the photographs of civilians (both Chechens and Russians) killed during the first and second Chechen campaigns. We had no opportunity to review Yangulbaev’s publications and cannot judge their content. However, the military personnel does not constitute a particularly vulnerable social group that needs to be protected from incitement to hatred.

Also in July, it was reported that a criminal case under Article 282 of the Criminal Code had been initiated against Rafis Kashapov, an activist of the Tatar nationalist movement. According to the investigation, “he posted on his personal social network page on the Internet the text and images, which incited hatred.” In 2015, Kashapov was convicted under the same Article 282 and under Article 280¹ of the Criminal Code for calls to separatism (in our opinion, inappropriately) and sentenced to three years in a minimum-security colony. Upon his release, fearing that he might face administrative supervision, Kashapov left for Ukraine, and then for the UK, where he asked for political asylum, and was granted asylum for five years; Russia declared Kashapov wanted. In March 2018, Kashapov, together with representatives of the Ukrainian Erzya community, announced the creation of the public platform Free Idel-Ural, advocating the establishment of an “integrative association of independent states of Tatarstan, Bashkortostan, Chuvashia, Udmurtia, Mari El and Erzyano Mokshania (Mordovia).” The specific incriminating posts by Kashapov that served as a basis for this case have not been specified. On his social network pages he criticizes the policy of the Russian authorities and characterizes Russia as a state that has been expanding for centuries at the expense of its neighboring peoples; he often criticizes what he perceives as passive political position of Russian citizens. However, we found no xenophobic rhetoric in Kashapov’s statements and see no grounds for prosecuting the activist for incitement to hatred.

A criminal case under Article 282 of the Criminal Code was initiated in Saratov in August against local resident Natalia Kovalyova. She was charged with inciting hatred towards the social group “judiciary” for publishing on her own

YouTube channel a number of videos with satirical songs and appeals to the authorities, in which she denounced the “corruption, nepotism, curatorship” practiced, in her opinion, by the Saratov judiciary. The case was opened as a result of an inspection following the complaint by the Saratov Regional Court. The head of this court was the prime target of Kovalyova’s criticism in the incriminating materials. We believe that the prosecution against Kovalyova under Article 282 was inappropriate. Judges are protected by other legal norms and need no special protection from the manifestations of hatred as a vulnerable social group; moreover, Kovalyova’s publications were not directed against the entire judicial community – they were targeting only a small number of its representatives. In addition, her videos contained no aggressive appeals that would merit criminal prosecution due to their social danger. Once the plenary meeting of the Supreme Court of Russia adopted amendments to the resolution on the procedure for dealing with extremist cases in September, the prosecution against Kovalyova under Article 282 was discontinued. The investigation stated that it did not find the intent to incite hatred in her actions. Kovalyova even managed to win in court 15,000 rubles in compensation for illegal criminal prosecution under this article, but was charged with contempt of court and libel against the judge.

In 2018, activists faced ongoing prosecution under Article 20.29 of the Administrative Code for distribution of inappropriately prohibited materials. Members of the political opposition were brought to court for distributing Alexei Navalny’s video about unfulfilled promises of the United Russia party *Napomnim zhulikam i voram ikh manifest-2002* [Let’s Remind Crooks and Thieves about Their Manifesto-2002], videos about alleged involvement of Putin and the FSB in the terrorist attacks of the late 2000s, photos of conservative deputy Vitaly Milonov in a T-shirt with the banned slogan “Orthodoxy or Death,” satirical songs of the band “The Ensemble of Christ the Savior and the Crude Mother Earth” (an anarchist from Sevastopol spent 11 days under arrest just for sharing the latter, although fines were the punishment of choice in other known cases), and so on.

The “Ukrainian Question”

We recorded a number of cases in 2018 of the law enforcement using anti-extremist legislation with respect to statements on the conflict in Ukraine, and their reaction was incommensurate or clearly disproportionate to the actual content of the statements.

In January the Voskresensk City Court in the Moscow Region found Valentin Sokolov guilty under Article 282 part 1 and sentenced him to a real prison term. An activist from Kolomna, Sokolov was nominated for election

as a candidate to the Moscow Regional Duma from the *Rodina* [Motherland] Party in 2016. The prosecution was based on his Facebook posts (several videos accompanied by xenophobic remarks calling, in particular, for violence against black people) and on his post on Odnoklassniki – an image containing the text that was interpreted as inciting hatred towards the Russians. We consider this sentence inappropriate in the part pertaining to the Odnoklassniki post. The screenshots show that Sokolov shared the image, accompanied by the pro-Ukrainian text that included a call for killing Russians, along with the following comment: “How crazy does one have to be to spout such heresy. Or it is a deliberate incitement. Scary to read.” However, the fact that Sokolov republished the text not for the purpose of propaganda of the ideas contained in it, but, on the contrary, in order to discredit them, was not reflected in the case materials. The investigation only paid attention to the fact that the text was preserved without comment in the “Miscellaneous” folder on Sokolov’s page (the Odnoklassniki social network saves all published images in this folder automatically). In March, the Moscow Regional Court reduced the sentence to Sokolov from 1.5 years to 8 months of incarceration.

In Velikiye Luki of the Pskov Region, 21-year-old gamer Mikhail Larionov received a 2-year suspended sentence under Article 282 Part 1 of the Criminal Code. In January, Larionov posted on Twitch.com a clip from a live stream of the multiplayer game World of Tanks. In this video titled “Disrespect toward the Ukrainian people!” he “*incited the public to aggressive actions against the Russians.*” Larionov’s statements should be interpreted in the context of the game and the communication style typical among players. The principal audience of game streams recognizes even aggressive statements as humorous rather than inflammatory. It is unlikely that Larionov intended to provoke national hatred; more likely, he wanted to taunt the other player. If the law enforcement believed that Internet users outside of the gamer community could misinterpret the players’ conversation, then warning Larionov and asking him to close public access to the video would have been sufficient.

In April, a court in Kromy of the Oryol Region passed a verdict in a case against local poet Alexander Byvshev pertaining to the publication of his poem “On the Independence of Ukraine.” The poet was sentenced under Article 282 of the Criminal Code to 330 hours of community service with a three-year ban on teaching. However, the regional court revised this decision in June and increased the punishment to 400 hours of community service – at the same time, crediting Byvshev 300 hours of community service he already served in accordance with his 2015 sentence for another poem on the same topic. Thus, the actual community service requirement came down to 100 hours. “On the Independence of Ukraine” contained statements that can be interpreted as

humiliating for residents of Russia, but the poem's intent was political rather than xenophobic. In addition, as SOVA Center has repeatedly pointed out, humiliation of dignity is an act that does not present significant social danger and should not be subject to criminal prosecution.

In the same month, yet another case against Alexander Byvshev was opened under Article 282 Part 1. He was charged for publishing on the site *orlec.ru* his poems "The Russian spirit" and "A Mighty Pile," which, according to the law enforcement, contained "statements, derogatory in character, against a particular ethnic group." Byvshev published these poems in September 2017 in the comments to the article about a garbage pile in a building courtyard in Oryol. The author mocks the Russians' disinclination for cleanliness and order and speaks of his fellow citizens in unflattering terms, but, nevertheless, both poems contain nothing that could serve as the basis for criminal prosecution for incitement of hatred.

Evidently having decided not to rest on their laurels, law enforcement agencies opened another case against the poet in July – this time under Part 2 of Article 280 ("Public calls to extremist activity committed with the use of the Internet"). The case is based on the fact of publication of his poem "Dedicated to Expansion of NATO to the East." We doubt the appropriateness of the charges. Despite his bellicose rhetoric, the author calls for the expansion of NATO's borders as part of a containment strategy, not for a war with Russia. In addition, leaders of NATO or of the NATO countries are not among Byvshev's audience; therefore it is hard to envision his calls posing an actual threat.

A criminal case under Article 282 Part 1 of the Criminal Code had been opened in St. Petersburg in August against Yevgeny Nikolaev, the author of the video blog "Belarusian's Diary." He was charged for publishing under another author's video a comment, which incited enmity and was degrading on the basis of ethnicity. We had a chance to review Nikolaev's comment, in which he fiercely argued against the "vatniks" point that "Ukraine was invented by Lenin." The comment contained the signs of humiliating the dignity not only of the Russians as a political entity, but also of ethnic Russians. However, this fact per se did not merit criminal prosecution, since the comment contained no aggressive appeals.

In 2018, the Federal List of Extremist Materials came to include a number of disparate Ukrainian materials seized from the Library of Ukrainian Literature³ in Moscow and banned in 2015 by the Meshchansky District Court. We

³ See: Criminal case initiated against the Director of the Library of Ukrainian Literature // SOVA Center. 2015. 29 October (<https://www.sova-center.ru/misuse/news/persecution/2015/10/d33129/>).

had no opportunity to get acquainted with most of them and cannot assess the validity of their prohibition; the only obvious fact is that not all of them are nationalist. Surprisingly, the set of banned materials also includes two editions of the book *The Empire of the Kremlin* by well-known Sovietologist and publicist Abdurakhman Avtorkhanov (1908-1997), first published in Germany in 1988. The arguments of the court are unknown to us. *The Empire of the Kremlin* deals with the Soviet period of Russian history, which the author views through the prism of the "colonial policy" of the leadership towards the peoples of the USSR, revealing the chauvinistic attitudes of the Soviet leaders. The book contains neither nationalist rhetoric, nor aggressive appeals based on the author's ideology, nor statements justifying Nazism. Perhaps the issues with the book were related to Avtorkhanov's interpretation of the Molotov-Ribbentrop Pact or the history of the Bandera movement – the prosecutors and the court could have interpreted it as spreading false information about the activities of the USSR during the war. However, the signs of potentially being liable under Article 354¹ of the Criminal Code do not provide a formal basis for recognizing a material as extremist. We would also like to remind that, in our opinion, the clause in Article 354¹ Part 1 that provides punishment for spreading false information about the activities of the Soviet government during the Second World War should be excluded from the article as excessively restricting the discussion on historical subjects and thus violating the right to freedom of expression.

Prosecution for "Rehabilitation of Nazism"

In October, a criminal case under Article 354¹ Part 2 of the Criminal Code was opened in Cheboksary against oppositional blogger Konstantin Ishutov, who published on Facebook a 1941 German leaflet with promises to the residents of the USSR; the publication was accompanied by his comment that the Third Reich cared more for the Soviet people "than Putin does for the Russian people." The blogger's choice of the words was unfortunate – his statement could, in fact, be interpreted as an indirect approval of the Nazi actions. At the same time, the content of Ishutov's pages on social networks shows no indication of any interest toward Nazi ideology – obviously, his intent was not to justify Nazism, but to criticize the policies of the Russian president. We believe that, in this case, an order to take down the publication would have been appropriate and sufficient. In addition, it is unclear why the case was initiated under Part 2 of the Criminal Code article on the rehabilitation of Nazism, which punishes acts committed with the use of official position, use of mass media or with "artificial creation of prosecutorial evidence."

Prosecution for Anti-Government Group Initiatives

Several criminal cases were initiated in 2018 against groups of citizens, whose activities were perceived by law enforcement agencies as dangerous anti-government actions or as preparation for such actions.

In March, a criminal case was initiated in Moscow under Article 282¹ of the Criminal Code (organizing an extremist community and participating in it) against ten members of a group called the *Novoe velichie* [New Greatness], headed by Ruslan Kostylenkov. Some of them, including two girls, were sent to pre-trial detention. As of February 2019, four people remained in jail; the rest were under house arrest. According to investigators, several young people created a social network group of the same name in early December 2017, and posted the charter of the movement they had founded, as well as texts that advocated and justified violence against the police. Some of the materials in the case indicate that the New Greatness conducted firearms training with two hunting weapons as well as instruction on making and throwing “Molotov cocktails.” Nevertheless, the New Greatness case raises doubts. The specific plans of the group never became public. Besides preparing for some future events (judging by the group’s program – for the time of the fall of the existing regime), the group distributed leaflets, but they contained no incitement to violence, only calls for the regime change. At the same time, three or even four undercover agents joined the group and, judging by the materials of the case, played an important role in its development – in particular, they found an office and wrote the charter. It is hard to agree with the investigation, which considers the New Greatness an established community with distinct goals that are extremist and present a real danger to society.

A number of participants in the opposition action “He’s not our king” were subjected to house searches in late May in Chelyabinsk as part of the investigation under Article 213 part 2 of the Criminal Code (hooliganism committed by an organized group based on political hatred), including the coordinator of Navalny’s headquarter Boris Zolotarevsky, who became a suspect in the case. According to the police, the participants of the non-permitted march were expressing obvious disrespect to society and manifesting their political hatred, called for resignation of the local governor, as well as “chanted hostile slogans permeated with social hatred, against President Vladimir V. Putin of the Russian Federation, such as “Putin is a Thief”, and “One, Two, Three – Putin, Be Gone”. In our opinion, far from being a manifestation of political hostility, chanting slogans that call for non-violent change of leadership in the state and the region and accuse the leadership of dishonesty, cannot even be classified as hooliganism because, in and of itself, it does not violate public order.

In August 2018, it was reported that the central office of the FSB had opened the case related to the activity on VKontakte public pages and on the Instagram account

dedicated to criminal matters. A married couple from Yekaterinburg was charged under Part 2 of Article 280 and Parts 1 and 2 of Article 282¹; another defendant in the case was their friend. On May 31, the Verkh-Isetsy District Court put the men under arrest; they are in the Moscow Lefortovo jail. The pregnant wife was released under travel restrictions. They are charged for administering public pages that spread the ideology of the *A.U.E.* (Arestantskoe Urkaganskoe Edinstvo [Prisoners Criminal Unity]), including propaganda of violence against law enforcement officers, and for distributing products “with the movement’s symbols.” The ideology of the criminal world (and the A.U.E. subculture) is oriented towards illegal activities and conceptually incompatible with realization of constitutional rights of the citizens. Nevertheless, this ideology is not political and not aimed at changing the constitutional system. Therefore, we believe that the activity to popularize this ideology should not be subject to anti-extremist legal regulation, although, in principle, it can be criminalized. Perhaps, a new criminal norm similar in composition to Article 239 Part 1 of the Criminal Code (“Creation of a public association whose activity is fraught with violence against individuals”) should be provided to punish organizers of the structures that exploit criminal matters and incite violence.

Meanwhile, a court in Moscow returned the case of retiree Vyacheslav Gorbaty to the prosecutor due to vagueness and inconsistency of the charges. Gorbaty was charged under Article 282² Part 2 of the Criminal Code (“Participating in the activities of an extremist organization”) for his involvement in the *Initsiativnaya Gropka po Provedeniju Rederenduma “Za Otvetstvennuju Vlast”* [Initiative Group of the Referendum “For Responsible Power”] (IGPR “ZOV”) which is the successor of the *Armia Voli Naroda* [Army of People’s Will] (AVN) banned in 2010. We believe that AVN, an organization of the Stalinist-nationalist kind repeatedly implicated in xenophobic propaganda, was deemed extremist inappropriately since the decision to recognize it as extremist was based solely on the ban of the leaflet *You have elected – You are to judge! (Ty izbral – tebe sudit)*, which called for a referendum to establish the government responsibility for the deterioration of the life of citizens, including the ability to outlaw unpopular officials. Accordingly, we view the prosecution against Gorbaty as inappropriate as well. In our opinion, the AVN case should be reviewed on the merits.

Side Effects of the Fight for Tolerance

Abusing Criminalization of Incitement to Hatred

We view several additional cases of prosecution for incitement of various kinds of hatred, not related to criticism of the government, as inappropriate or insufficiently justified.

On May 24, activists of the Sudak “Anticorruption Bureau” Dmitry Dzhigalov and Oleg Semenov were sentenced under Article 282 to fines of 300 and 50 thousand rubles respectively (Semenov was issued a smaller fine, taking into account the six months he spent in pre-trial detention). They were found guilty of humiliating the dignity of the Bulgarians. The prosecution was based on a published video, in which Semenov rebuked the Bulgarians for failing to invite the Russian delegation for the celebration of the anniversary of the country’s liberation from the Ottoman yoke during the Russian-Turkish war of 1877-1878. Semenov accused them of ingratitude toward the Russians, and also made some statements about the deportation of Crimean Bulgarians under Stalin. Obviously, the real reason behind the prosecution against Dzhigalov and Semenov had to do with their public fight against landfills and illegal construction, which had annoyed local authorities. We expressed our reservation regarding the proportionality of the criminal prosecution against Dzhigalov and Semenov. They were charged with abasement of dignity, which is an act of small gravity. In addition, Semenov and Dzhigalov were not previously known to engage in xenophobic propaganda. In any case, the Supreme Court of Crimea overturned the activists’ sentence in February 2019, in connection with the partial decriminalization of Article 282 Part 1.

A criminal case, opened in September under Article 282 Part 1 against Lyubov Kalugina, a feminist activist from Omsk, attracted media and public attention. The activist was charged with inciting hatred towards men on a social network. The statements in her posts, which the law enforcement found objectionable, differed in their aggressiveness, ranging from crude humor to the ones which could be seen as insulting dignity and inciting violence. However, we believe that the risk to the public, stemming from aggressive statements made by radical feminists, is small, since their rhetoric is not related to actual violent practices; thus, there was no need for criminal prosecution against Kalugina. Her case was terminated by the investigation in February 2019, also as a result of the reform of Article 282

In December 2018, the Moscow City Court overturned the sentence in the case of Yevgeny Kort, convicted in 2016 under Article 282 Part 1 of the Criminal Code (“Incitement to national hatred”), and sent the case to the Zelenogradsky District Court for a re-trial. Kort had been sentenced to the year in a settlement colony (incarceration was later replaced with a fine) for sharing an image on VKontakte. The image was a racist collage from the account of well-known ultra-right activist Maxim “Tesak” Martsinkevich. It depicted Tesak pressing Pushkin against the wall, accompanying this action with a xenophobic insult. Kort’s appeal was delivered to the Moscow City Court by Vladimir Davydov, the Deputy Chairman of the Supreme Court of Russia. Davydov pointed out that the verdict failed to provide evidence that Kort had acted with direct intent to

humiliate the dignity of a group of people on the basis of nationality, while the conviction should not be “based on assumptions.” The sentence had served as the basis for filing a complaint with the Constitutional Court regarding application of Article 282 of the Criminal Code; however, this case had not been accepted for consideration. The Supreme Court initially rejected the appeal against the verdict as well, but changed its position after the adoption of the new resolution on the procedures in extremism-related cases.

In September, the Chelyabinsk Regional Court issued a verdict to Alexander Gir, a participant in the pogrom at the Tornado rock festival in 2010, who had been hiding from the investigation and the court. Let’s recall that, at that time, the locals injured several dozen guests at the festival, and were later brought to responsibility. Gir was found guilty, not only of the organization of mass riots accompanied by violence, but also under Article 282 Part 2 Paragraph “a” (“Publicly committed actions aimed at inciting hatred, as well as at the abasement of dignity on the grounds of affiliation with a particular social group, with the application of violence”). We view the charge of inciting hatred, brought up against Gir and several other pogrom participants, as inappropriate. They were accused of inciting hatred toward rock music fans, who can hardly be considered a separate social group. In addition, the main reason for the attack was not an ideological confrontation, but an ordinary conflict between the defendants and the guests of the festival, which took place the day before the pogrom.

Prosecutions for Extremist Symbols

According to the statistics of the Judicial Department at the Supreme Court, in 2018, 963 persons faced responsibility under Article 20.3 of the Code of Administrative Offenses (“Propaganda and public demonstration of Nazi attributes or symbols, as well as symbols of extremist organizations”),⁴ but only for some of these administrative cases we have the details and can judge the extent of their legitimacy. In the course of the year, we recorded 29 instances of prosecution for public demonstration of Nazi symbols or symbols of banned organizations obviously not aimed at dangerous propaganda, which represents a significant decrease from the preceding year (46 instances).

As before, this article is often improperly used to exert pressure against activists disfavored by the authorities. Thus, in August, Dmitry Teterin, an activist of Navalny’s headquarters in Naberezhnye Chelny and one of the organizers of a rally against pension reform, was fined 2,000 rubles for publishing an image on

⁴ Consolidated Statistical Data on the Activities of Federal Courts of General Jurisdiction and Magistrates’ Courts for the First Half of 2018 // Judicial Department at the Supreme Court of the Russian Federation. 2018 (<http://www.cdep.ru/index.php?id=79&item=4758>).

Vkontakte, which depicts Russian President Vladimir Putin in Nazi uniform with the caption “Führer of the Fourth Reich.” We believe that Teterin was penalized inappropriately, because he used Nazi symbols as a means of political polemics, and did not promote the ideology of Nazism.

Historical photographs, published without any political connotations, also attract the law enforcement attention. In August, the Kyzyl Town Court of the Republic of Tyva fined local activist Oyumaa Dongak one thousand rubles. The law enforcement objected to several of her VKontakte posts. One of them contained an excerpt from the present-day interview with a German woman, who participated in the activities of the Nazi League of German Girls and a link to the interview itself. The post was illustrated by an archival photograph, on which girls were waving swastika-decorated flags. The second publication included a photograph of Hitler sitting and holding a newspaper, accompanied by the information that the leader of Nazi Germany had once been named “man of the year” by *Time* magazine. The third post showed a famous 1936 photograph from a Hamburg shipyard, where, in the crowd cheering for Hitler, one man clearly does not raise his hand. The fourth image illustrated the material on the creation of the atomic bomb in Germany. The court did not consider it essential that Dongak’s posts condemned Nazism, assessing only the formal side of her action. The Supreme Court of the Republic upheld this decision.

However, in some cases, the courts took the defendants’ side. For example, in February 2018, the Arkhangelsk Regional Court overturned the decision of the Isakogorsky District Court, which, a month earlier, fined Mikhail Listov, a volunteer of the Arkhangelsk headquarters of Alexei Navalny, for two VKontakte publications: a famous 1945 photo of Soviet soldiers throwing Nazi banners to the ground near Lenin Mausoleum on Red Square during the Victory Parade, and a still from the controversial dance show on the Russia 1 TV channel, where one of the participants was wearing Nazi uniform. Listov’s posts were obviously not intended to promote Nazism, and his case was widely publicized via a flash mob, launched in his support by Alexei Navalny, in which social media users were sharing the photo with the Nazi banners published by Listov. Possibly, it was the resonance of this case that led to the introduction of the draft bill to amend Article 20.3 in the State Duma.

Fight against Insults to the Feelings of Religious Believers

In February 2018, the Naberezhnye Chelny City Court in Tatarstan issued a verdict to 20-year-old Anton Ushachev, charged for writing the insulting graffiti on the fence of the Borovetskaya Church of the Holy Ascension (ROC) and near the local well spring. Ushachev was sentenced to 320

hours of community service under Article 148 Part 1 of the Criminal Code (“Insulting the feelings of believers”) and Article 214 Part 1 of the Criminal Code (“Vandalism without hate motive”), while the charges under Article 282 Part 1 (“Incitement of hatred on the basis of religion”) were dismissed. The court decided that Ushachev acted “with the purpose of insulting the religious feelings of believers,” understanding that many Orthodox faithful come to the church and to the spring (meanwhile, the representatives of the Holy Ascension monastery declared that “this is just nastiness” and not a serious crime). At the same time, according to the court judgement, the actions in question were motivated by hooliganism, and not by religious hatred or enmity. As a result, the defendant was cleared of charges under Article 282 of the Criminal Code with the right to exoneration, and the prosecution under Article 148 of the Criminal Code was re-qualified from Part 2 to Part 1 (excluding the reference to actions performed in places specifically intended for conducting religious rites). Taking into account the fact that Ushachev had already spent more than six months in custody, the sentence was declared served. We believe that qualifying Ushachev’s actions under Article 214 of the Criminal Code (in case of establishing a motive of hatred – under Part 2 of this article) would have been sufficient.

In April, the investigative agencies in Krasnodar dropped the case of Maxim Drozdov, charged with abasement of dignity of atheists under Article 282 Part 1 of the Criminal Code. The case was initiated in connection with the publication of his satirical poem “The Heretic,” in which the villagers, led by a local priest, burned at the stake a school teacher, who said in class that science was important, and that there was no God. The investigator finally came to the conclusion that the poem had no purpose of inciting hatred, since “it was Drozdov’s act of self-expression,” was intended as ironic, and contained no calls “for any specific actions.”

In general, most of the proceedings in connection with insulting the feelings of believers in 2018 pertained to distribution of atheist images on social networks. We would like to remind that we see no need of prosecution for posting such materials, even rude ones, unless they contain aggressive appeals against believers. Such posts do not pose any public danger, and sanctions for their distribution can be viewed as unreasonable interference with freedom of expression with regard to religion.

In January it became known that a case under Part 1 of Article 148 was transferred to court. The defendant, a 29-year-old local resident, posted on his page on VKontakte “*photographs with captions insulting the religious feelings of Orthodox believers and desecrating principal objects of religious veneration.*” The outcome of the case is unknown.

In the same month, a magistrate's court in Sochi dismissed the criminal case against Viktor Nochevnov, previously convicted under Article 148 part 1 of the Criminal Code due to the expiration of the limitation period. Nochevnov was sentenced to a fine of 50 thousand rubles in August 2017, but then the district court annulled the verdict and sent the case for a new trial. The Sochi resident faced charges for sharing a series of cartoon images of Jesus Christ on a social network.

It became known in March, that a court in Kurgan discontinued the criminal case against an 18-year-old local resident charged with insulting the feelings of believers (Article 148 Part 1 of the Criminal Code), having sentenced him to a legal fine of 30 thousand rubles. According to the investigators, when celebrating his birthday in a rented cottage in December 2017, the young man found an Orthodox Christian icon. He photographed his reflection in a mirror, holding the icon upside down, and posted the photo on a social network accompanied by a caption that was insulting toward Orthodox believers. During the preliminary investigation, the Kurgan resident expressed repentance regarding his act, and, in order to make amends, he apologized to all believers via a social network and donated money to an Orthodox church. Since it was the young man's first crime, his crime was minor, and, moreover, the offender had compensated for his act, the investigation requested the court to terminate the case.

Severodvinsk resident Igor Markov was fined 15 thousand rubles in September under Article 5.26 Part 2 of the Administrative Code ("Deliberate public desecration of objects of religious worship") for the publication of eight atheist memes. From our point of view, posting atheist images, even the crude ones, should not, in and of itself, be interpreted as desecration of objects of religious worship, since published photo collages do not imply any active actions with respect to the actual objects. It is also worth noting that the legislation never defines the concept of "desecration," which has obvious religious connotations.

In October, a court in Irkutsk proceeded to consider the case of anarchist Dmitry Litvin, charged under Part 1 of Article 148 of the Criminal Code in connection with his publication of four anti-religious memes on VKontakte. The defendant refused to have the case terminated due to the expiration of the limitation period, since this outcome provided no basis for exoneration. Images of gospel characters, published by Litvin, were rude and obscene, but included no aggressive calls against Christians.

In the summer of 2018 in the wake of discussions on the application of Article 282, a scandal broke out around the criminal cases of three Barnaul residents. Maria Motuznaya, Andrei Shasherin and Daniil Markin. The first two had been charged under Article 148 Part 1 and Article 282 Part 1 of the Criminal Code for publishing atheist and xenophobic images; Daniil Markin

had been charged only under Article 282 Part 1 with abasement of dignity of Christians for publishing anti-Christian memes. In our opinion, the charges against Markin were completely without merit; Motuznaya and Shasherin did publish xenophobic images, among others, still their posts did not give sufficient grounds for criminal prosecution.

Motuznaya's case was tried in the Industrialny District Court of Barnaul. In October, facing public pressure, the prosecutors, court and defense took advantage of the new Supreme Court resolution and agreed to return the case to the prosecutor for clarification of the evidence. At the same time, based on the proposal of the local Federal Penitentiary Service administration, the same district court overturned a suspended sentence of Natalia Telegina, convicted in 2017 under the same articles for repost of seven anti-Christian images and one picture directed against natives of the Caucasus region.

In January 2019, the criminal cases against Motuznaya, Shasherin and Markin were terminated due to decriminalization of Article 282; the law enforcement chose not to continue prosecution of Motuznaya and Shasherin under Article 148 only.

In our opinion, numerous examples of unsound charges of insulting the feelings of believers, as revealed during investigation or trial, support the proposals to abolish or at least partially decriminalize Parts 1 and 2 of Article 148.

Religious Groups

Hizb ut-Tahrir

According to our information, 15 verdicts against 49 people were issued in 2018 on charges of involvement in the activities of the Islamist party Hizb ut-Tahrir al-Islami (banned as terrorist in 2003), all of them under Article 205⁵ ("Organizing activities of a terrorist organization or participating in it"). In two cases, 24 people were also convicted under Article 278 in aggregation with Article 30 Part 1 of the Criminal Code ("Preparation for the forcible seizure of power"). The known sentences are geographically distributed as follows: one verdict against 21 residents of Ufa (Bashkortostan), three verdicts against three Muslims from Tatarstan, three verdicts against six residents of the Chelyabinsk Region, three verdicts against ten St. Petersburg residents, two verdicts against two Muslims in Moscow, one verdict against two residents of Sevastopol, one – against four residents of Bakhchisarai (Crimea), and one verdict against one inmate in the Vologda Region. We recorded 15 such verdicts against 37 people in 2017.

We would like to remind that we consider the decision to ban Hizb ut-Tahrir as a terrorist organization inappropriate, because the party does not practice

violence and does not view it as a suitable method in its struggle to build a global caliphate. However, in our opinion, Hizb ut -Tahrir could be banned on other grounds.⁵

Meanwhile, involvement in Hizb ut-Tahrir entails prosecution under Article 205⁵, which provides for punishment up to life imprisonment, and the prison terms meted out by the courts lengthen every year. Thus, in July, the Volga District Military Court sentenced ten Ufa residents out of 21 to 20-24 years in a maximum-security penal colony, despite the fact that none of them were accused of involvement in violence.

As before, when considering cases that involve Hizb ut-Tahrir, there is no effort to prove that the defendants actually prepared to carry out terrorist acts or seize power – the investigation states that they were involved in the party activities in the form of disseminating or simply studying Hizb ut-Tahrir literature or holding meetings of like-minded people, and then district military courts⁶ satisfy the prosecutorial claims.

At the same time, the total scope of prosecution against Hizb ut-Tahrir adherents decreased in 2018. While at least 20 people were charged in five criminal cases, it should be noted that, in 2017, about ten cases were initiated against more than forty Muslims. Two out of five cases in 2018 were opened in Tatarstan (including the most ambitious case against 14 people; the other one has three defendants), two more in the Crimea (two people arrested) and one in Chelyabinsk. Charges under Article 205⁵ were filed against 18 people; one is charged under Article 205² with propaganda of terrorist activity, and another

⁵ Our position is based, *inter alia*, on the ECtHR decision on the activities of Hizb ut-Tahrir, which was made as a supplement to the decision on the complaint of two convicted members of the organization against the actions of the Russian authorities. The ECtHR stated that although neither the teachings nor the practice of Hizb ut-Tahrir allow us to consider the party a terrorist organization and it does not explicitly call for violence, its prohibition on other grounds would be justified, since it presumes, in the future, the overthrow of some existing political systems with the aim of establishing a dictatorship based on the Sharia law; it is also characterized by anti-Semitism and radical anti-Israeli propaganda (for which Hizb ut-Tahrir was banned in Germany in 2003), as well as categorical rejection of democracy and equal rights and recognition of violence against the countries, which the party considers as aggressors against the “land of Islam,” as legitimate. The goals of Hizb ut-Tahrir clearly contradict the values of the European Convention on Human Rights, in particular, the commitment to the peaceful settlement of international conflicts and the inviolability of human life, the recognition of civil and political rights, and democracy. Activities for such purposes are not protected by the European Convention on Human Rights.

⁶ In accordance with the Law on Amendments to Certain Legislative Acts of the Russian Federation (in Part of Improving Counteraction to Terrorism) adopted in 2014, criminal cases related to activities of terrorist organizations are handled by three (taking into account the amendment of 2016) district military courts.

one was charged under both of these articles at once. A defendant in the latter case – Chelyabinsk resident Amir Gilyazov – was put under arrest, despite the fact that he is almost completely paralyzed and needs constant help. It took an active intervention of the human rights community and mass media to get Gilyazov released under travel restrictions.

In 2018, 26 items with Hizb ut-Tahrir materials were added to the Federal List of Extremist Materials including four electronic editions of *Al-Waie* magazine and other party materials, as well as videos about the persecution of its adherents in Russia. In addition, according to Roskomnadzor’s statistics, Hizb ut-Tahrir materials were blocked extra-judicially under Lugovoy’s Law (not counting the court-mandated restrictions) at least 17,000 times in the first three quarters of 2018.⁷ As before, law enforcement agencies and courts prohibit Hizb ut-Tahrir’s materials automatically by association with a banned organization, without considering them on the merits and without accessing the degree of potential danger for each item. We also recorded some cases of prosecution under Articles 20.29 and 20.3 of the Administrative Code for distributing materials and displaying the symbols of Hizb ut-Tahrir; however, we do not consider these cases inappropriate, if the offense in question was disseminating party propaganda.

Tablighi Jamaat

We recorded five verdicts against 22 people, issued in 2018 on the charges of involvement in the activities of the international religious movement *Tablighi Jamaat* (banned in Russia) under Article 282² (“Organizing or participating in an extremist organization”). 14 people were sentenced in Moscow in two separate trials, four people in the Moscow Region, three people in Bashkortostan, and one in the Altai Region (under Article 282² Part 1.1 for involving a person in the activities of an extremist organization). They all received real prison terms ranging from one to six years. We recorded seven such sentences against 19 people in 2017.

At least one new case against *Tablighi Jamaat* followers was initiated in 2018 – two people were arrested in Tatarstan. According to our data, at least four such cases were opened in the preceding year.

The FSB Border Service continues to report the cases when citizens of other states, reportedly involved in *Tablighi Jamaat*, were not allowed to enter Russia.

⁷ Roskomnadzor’s results // Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (Roskomnadzor). 2019. February (<http://www.rkn.gov.ru/plan-and-reports/reports/p449/>).

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

Followers of Said Nursi

In 2018, we saw the continued persecution of Muslims studying the works of the Turkish theologian Said Nursi, which have been banned in Russia – inappropriately, in our opinion. Russian law enforcement agencies prosecute believers, who are found to possess books by Nursi, for their alleged membership in Nurcular – a centralized organization, banned in Russia despite the fact that its existence there has never been proven. They are usually charged with organizing of and participation in “home madrasas,” where they discuss Said Nursi’s writings, and with distribution of his books.

We know of five sentences against five followers of Nursi under Article 282², – three people were convicted in Krasnoyarsk, one in Novosibirsk and one in Dagestan. In Krasnoyarsk, Andrei Dedkov and Andrei Rekst, convicted for involvement in the activities of the local Nurcular cell, got off with fines, Sabirjon Kabirzoda received a two year suspended sentence. However, two out of five convicted offenders in 2018 were sentenced to real terms of imprisonment. We recorded four such sentences against nine people in 2017.

The sentence to 21-year-old Ilgar Aliev became the most severe known verdict in the entire history of pressure against the followers of Nursi. In May, the Izberbash City Court of the Republic of Dagestan sentenced him to eight years in a minimum-security penal colony (the decision was upheld by the Supreme Court of the Republic in July). According to the investigation, whose position was upheld by the court, Aliev conducted classes in Izberbash, Makhachkala and Khasavyurt for the purpose of studying the works of Muslim theologian Said Nursi, involved young people in the activities of the Nurcular cell, and attended international conferences and forums organized by Nursi’s followers. His long prison term resulted from the fact that he was charged simultaneously under two parts of Article 282² – under Part 1 with organizing the activities of the extremist organization and under Part 1.1 with involving others in its activities.

The Oktyabrsky District Court of Novosibirsk sentenced Imam Kamil Odilov in July to two years in a minimum-security penal colony under Article 282² Part 1. Odilov was charged for resuming his “home madrasa” classes with the use of the banned books by Nursi despite his suspended sentence from a similar case in 2013.

In addition, in December, the Pervomaysky District Court of Novosibirsk granted the claim of the administration of the penal colony, in which Odilov has been serving a term on the appointment of administrative supervision after his release. The court noted that Odilov was convicted of a crime of an extremist nature, classified as serious, and “negatively characterized while serving his sentence” – he received four disciplinary punishments in the colony, received no rewards and did not respond to educational measures, in particular, “does not accept proactive measures for the psycho-physical adjustment of his personality and re-socialization,” as well as for employment. Therefore, Odilov was put under supervision for the entire term prior to the expiration of his criminal record, that is, for eight years from the time of serving his sentence.

Notably, one of Odilov’s co-defendants, accused of participation in his “home madrasa” under Part 2 of Article 282², was released from criminal responsibility in March with a court-imposed fine (the same happened to two other defendants in the same case in 2017).

A criminal prosecution under Part 1 of Article 282 and Part 1 of Article 205² for distribution of certain religious materials calling for armed struggle on a social network was discontinued in the Kurgan Region in 2018 due to the expiration of the limitation period. The law enforcement took a Muslim, charged with publishing these materials, for a follower of Nurcular because, in their opinion, he “was collecting the relevant library for a long time and independently produced brochures of Said Nursi’s works, planning to use them for further education of his countrymen.”

We have no information about any new cases initiated in 2018 against Nursi followers. However, in October 2018, the Vakhitovsky District Court of Kazan began a trial in the case of two local residents charged with organizing the activities of a Nurcular cell. We have no information concerning the time of the opening of this case. In addition, a local resident, previously held as a witness in cases involving the activities of the Krasnoyarsk and Novosibirsk “cells,” was arrested in Krasnoyarsk. In 2017, we recorded three such cases initiated against five people.

In 2018, the Federal List of Extremist Materials came to include five Nursi brochures, all of them banned in Krasnoyarsk – one in 2012, and the other four in 2018.

Other Muslims

In late February, the Chebarkul City Court of the Chelyabinsk Region issued a suspended sentence of two years’ with a two-year probation period to 67-year-old assistant to the Imam of the Al-Amin mosque Kh. Dinmukhametov for distributing four copies of the brochure *Zhenschiny v Islame protiv*

Zhenschin v Iudeo-Christianskoj Traditsii [Women in Islam Versus Women in the Judeo-Christian Tradition]. The brochure was recognized as extremist in 2015 in the Sverdlovsk Region. We believe that the ban against the brochure *Zhenschiny v Islame* was not justified. Its author tries to show that Islam gives women more rights and fosters a more respectful attitude toward women than Judaism and Christianity; however, the text is generally written in the spirit of respect for these two religions. Accordingly, we believe that Dinmukhametov was convicted inappropriately.

In August, the Kirovsky District Court of Ufa considered the case of Amin Shayakhmetov, charged under Part 1 of Article 282 with incitement of religious hatred. The charges were brought for sharing six texts on the website of the Shura of Muslims of the Republic of Bashkortostan – an organization that had self-disbanded a year earlier. These texts were recognized as extremist in 2017; we saw no grounds for banning at least three of them. The court decided to stop the criminal prosecution of Shayakhmetov with a court-appointed fine, but this decision was appealed by the prosecutor's office, and, in November, the Supreme Court of Bashkortostan sent the case back to the district court for a re-trial.⁸

In July 2018, it was reported that a criminal case regarding the continuation of activities of the Faizrakhmanist community, recognized as extremist, was under investigation in Tatarstan. Five people are being investigated in this case. Rustam Galejev and Galimyan Khazetdinov, charged under Article 282² Part 2 of the Criminal Code, are under arrest. According to the investigators, they had recruited members into the religious group, organized its training sessions where they studied forbidden religious literature, called for avoiding medical care and civil duties, and raised money for community activities. The Muslim community, founded by former deputy Mufti of Tatarstan Faizrakhman Sattarov, was recognized as an extremist organization in 2013 after the relevant agencies conducted an investigation of the community and found out that its members were leading an isolated way of life, were forbidden from seeking help from medical institutions and from sending children to schools. Such situations are not subject to anti-extremist legal regulation. As far as we know, the community led an insulated but not aggressive life; therefore we view the decision to recognize its extremist as inappropriate, and there are no grounds for bringing charges under Article 282² for the continuation of its activities.

In June, the Krasnoglinsky District Court of Samara received a claim to recognize a number of Islamic religious books as extremist. The texts include

⁸ In January 2019, the court discontinued Shayakhmetov's case due to the absence of a crime as a result of partial decriminalization of Article 282.

interpretations of the Quran by ibn Kathir and as-Sa'di, as well as the books from *Die Bedeutung des Korans* series (Russian version); we had no opportunity to get acquainted with them. All these materials were confiscated in a prayer house in the village of Krasny Pakhar in the Samara Region, in the course of a search related to the "underground Salafi cell." The lawsuit is based on the results of linguistic expert examination performed in March 2018 by the FSB administration of the Samara Region. According to the Prosecutor's Office, the experts found "extremist statements aimed at inciting hatred, enmity or discord on the basis of religion (in relation to the following groups: "Jews," "Christians," "non-believers")" in the books submitted for their review. We found no signs of extremism in the ibn Kathir's Tafsir, which is under review in this case. The references to calls for fighting against the infidels and to negative statements in the Quran about non-believers should not, in our opinion, be interpreted as direct aggressive appeals that pose a threat to followers of other religions. Meanwhile, as-Sa'di's Tafsir contains a number of statements, freely interpreting the verses of the Quran, which can be understood as an approval of military jihad. The interests of the publishing houses that have issued the books in question are represented by a group of well-known lawyers, previously involved in other cases related to bans against Islamic literature. The process attracted attention of Muslim organizations and mass media.

During 2018, 22 entries containing inappropriately prohibited Muslim materials were added to the Federal List of Extremist Materials. They were recognized as extremist for asserting the superiority of Islam, in one version or another, over other religious movements. In our opinion, such assertions should not be interpreted as incitement to religious hatred.

We learned about eight cases of Muslims being charged under Article 20.29 of the Code of Administrative Offenses in 2018 for distributing religious materials, unreasonably deemed extremist, or possessing them with intent to distribute. Additionally, we know a number of cases in which fines were levied under Article 16.13 of the Code of Administrative Offenses ("Non-compliance with customs prohibitions") for attempting to import inappropriately banned Islamic literature into Russia.

Jehovah's Witnesses

In 2018, a widespread campaign was launched to persecute Jehovah's Witnesses, whose Russian organizations – 395 local communities led by the Jehovah's Witnesses Administrative Center – were banned as extremist in 2017.

In the period under review, we recorded at least 36 new criminal cases against at least 100 believers in 28 different regions of Russia, from Smolensk to the Far East (Moscow and St. Petersburg have not been included in this set

so far, although a precedent, in which a suspect in the case opened in another region was arrested in Moscow, already exists).

Jehovah's Witnesses face charges under Article 282² for continuing the activities of their banned communities. The activities in question consist in organizing and conducting prayer meetings. Thus, they are religious activities, the right to engage in which, individually or as a group, is guaranteed by Article 28 of the Constitution of the Russian Federation. As a rule, charges are brought under Parts 1 and 2 of Article 282², but in at least four cases Jehovah's Witnesses have been charged under Part 1.1 of this article with involvement of others in the activities of a banned community, and in three cases also under Article 282³ with financing extremist activities. The defendants include believers ranging in age from 23 to 84; more than two dozen of them are women, two of whom are in a pre-trial detention center in the Smolensk Region at the time of the release of this report. The total number of defendants in jail has fluctuated in the course of the year – on the one hand, new arrests were being made, on the other hand, the courts have changed the pre-trial restrictions for some defendants to more lenient ones (house arrest, banning certain activities, travel restrictions). In the last 6 months of 2018, this number fluctuated between 20 and 35 people.

Starting in April 2018, the Zheleznodorozhny District Court of Oryol was considering the case of Dennis Christensen, a Danish citizen charged under Part 1 of Article 282² for organizing the activities of the local community, banned in 2016. He was kept in jail since May 2017 for the entire span of investigation and trial. Christensen's trial attracted the attention of the media, Russian human rights defenders and international organizations; its outcome was perceived as an important precedent to determine the further fate of Christensen's co-religionists charged under the same article. The harsh sentence of six years in a minimum-security penal colony, issued to Christensen in February 2019 i.e. already outside the period covered by the report, caused strong public reaction and protests from international institutions. The UN High Commissioner for Human Rights called upon the Russian authorities to stop persecution of those exercising their right to freedom of religion, belief, expression and freedom of assembly and to review the anti-extremist legislation.

In addition, in late December, the Prokhladnensky District Court of the Kabardino-Balkar Republic found Jehovah's Witness Arkadya Akopyan, a seventy-year-old retiree, guilty of inciting religious hatred under Article 282 Part 1 of the Criminal Code and sentenced him to 120 hours of community service. Akopyan was found guilty based on the testimony of five witnesses who did not follow the same faith. They stated that they had distributed the forbidden brochures of Jehovah's Witnesses upon Akopyan's request. The

defense claimed that Akopyan had not distributed prohibited materials. Moreover, distribution of extremist materials, even if it took place, could be punishable under Article 282 only if the offender's intent to incite hatred or enmity could be proven. Meanwhile, the text of incriminating publications contained no statements on the need for illegal actions against any group of persons. According to the Supreme Court 2011 Resolution "On Judicial Practice in Criminal Cases Concerning Crimes of Extremism," these are the kind of statements that should be considered a sign of incitement to hatred. It is worth pointing out that all Jehovah's Witnesses, previously convicted under Article 282 of the Criminal Code have been acquitted by higher courts with recognition of their right to exoneration. The defense filed an appeal against the sentence, which should be rescinded as a result of the decriminalization of Part 1 of Article 282.

Pressure on believers is not limited to criminal prosecution. According to the information collected by Jehovah's Witnesses, in 2018, law enforcement agencies conducted at least 270 searches with confiscation of printed materials, papers, the equipment and digital media. It should be noted that these raids are often carried out in a brutal manner – armed law enforcement officers were breaking into houses and apartments, scaring the elderly and children; in some cases the use of force caused the believers to seek medical help later. Nighttime interrogations were frequently conducted without regard to age and health of those interrogated. It should also be noted that we observed an increase in the number of incidents of Jehovah's Witnesses being denied the right to alternative civilian service. According to Jehovah's Witnesses, about five thousand of their fellow believers left the country as a result of the ban against the communities and the subsequent wave of persecution.

We only know of several cases of Jehovah's Witnesses facing administrative responsibility under Article 20.29 of the Code of Administrative Offenses for distribution of prohibited literature, although it can be assumed that, in reality, they were much more numerous. Meanwhile, the Federal List of Extremist Materials added twenty entries of Jehovah's Witnesses literature. These include the *Sviaschennoje Pisanie v Perevode Novogo Mira* [New World Translation of the Holy Scriptures], that is, the Bible in the Jehovah's Witnesses translation and a number of brochures banned in Vyborg in 2017. The newly added materials also included brochures recognized as extremist in 2016 in Odintsovo (the Moscow Region), the ban of which was confirmed by the Moscow Regional Court in January 2018, and an issue of the *Probudis!* [Awake!] magazine banned in June 2018 in Yelabuga (Tatarstan).

Meanwhile, Jehovah's Witnesses continue to defend their rights in the ECtHR, which, according to their information, had over 40 related complaints

filed as of early 2019. The complaints speak of violations of the rights of believers resulting from the bans on literature and community activities, suppression of religious meetings, and persecution of individual citizens. On May 7, the European Court of Human Rights communicated a complaint of the Glazov Jehovah's Witnesses organization and 394 other local religious organizations of Jehovah's Witnesses in Russia, their chairmen and rank-and-file members. The complaint pertains to the decision of April 20, 2017 by the Supreme Court of the Russian Federation to ban the activities of the Jehovah's Witnesses Administrative Center in Russia and the local communities of Jehovah's Witnesses as extremist. The local communities were not even given an opportunity to participate in the proceedings and defend themselves. It is worth remembering that the ECtHR intends to prioritize its review of a complaint by the Administrative Center, communicated back in 2017. The ECtHR decision will give Russia a chance to reconsider the erroneous decision to declare Jehovah's Witnesses' organizations extremist – the decision that led to an obvious deadlock, in which the state forces itself to prosecute tens of thousands of law-abiding citizens for their peaceful religious activities.

Sanctions against Libraries

In 2018, 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.

We recall that prosecutors charge libraries with a variety of offenses from presence of banned materials (usually books) in their collections (despite the fact that libraries have no legal ground for removing these materials) to the fact that the library bylaws fail to mention the ban on dissemination of extremist materials.⁹

The most frequently occurring actions are prosecutorial objections with respect to library bylaws, and orders to eliminate the violations of legislation on combating extremist activity. They result in the libraries having to verify their holdings against the Federal List of Extremist Materials and take disciplinary action against the employees deemed responsible for the oversight. According to our data,¹⁰ at least 170

⁹ For the detailed list of possible charges see: Verkhovsky, A. Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2011 // SOVA Center. 2011. 27 April (<http://www.sova-center.ru/en/misuse/reports-analyses/2012/04/d24302/>).

¹⁰ We are sure that we never find out about the majority of sanctions imposed. Often, we know about a 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 count the entire series as a single instance.

such sanctions were imposed on library administrators, including school libraries, in 2019 (vs. at least 155 in 2017). Despite the slight increase in 2018, the data of the past two years indicates the general downward trend in the number of such sanctions. The change might be due to the fact that the library staff have generally adjusted to the peculiarities of the existing legislation and now show increased vigilance that enables them to successfully pass prosecutorial audits.

The Internet and Anti-Extremism

In 2018, the Russian authorities continued to use the previously created tools to block online content. As before, we doubt both the validity of criteria, chosen by the authorities to select target materials for restrictions, and the quality of blocking mechanisms.

Blocking Practices

The Unified Registry of Banned Websites created in 2012 has continued to add resources that contain pornographic information or images, propaganda of drugs and psychotropic substances, or information that can encourage children to take actions that could be harmful to their health, including incitement to suicide. In addition, by court decisions, the Registry adds resources with information recognized as prohibited for distribution in Russia, including materials that are recognized as extremist (or similar to those). According to the Roskomnadzor, the total number of resources added to the Register during the first three quarters of 2018 was 161,171.¹¹ Presumably, resources with extremist materials make up only a small part of them.

We have data only about 611 resources blocked “for extremism” by court decisions in 2018, collected by the Roskomsvoboda project.¹²

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 Uni-

¹¹ According to Roskomnadzor, “due to the presence of prohibited information,” the Unified Registry added 53,848 sites and/or site indexes on the Internet in the first quarter of 2018, 49,212 sites and/or site indexes in the second quarter, and 58,111 sites and/or web site indexes in third quarter. See: Roskomnadzor's results // Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (Roskomnadzor). 2019. February (<http://www.rkn.gov.ru/plan-and-reports/reports/p449/>).

¹² For more information see: Yudina, N. On the Threshold of Change? The State Against the Promotion of Hate and the Political Activity of Nationalists in Russia in 2018.

fied Registry of Banned Websites), should be mentioned separately. Information, containing “calls for mass riots, extremist activities, participating in (public) mass actions carried out in violation of the established order, or informational materials of a foreign or international non-governmental organization whose activity is considered undesirable on the territory of the Russian Federation” as well as “information allowing users to access the indicated information or materials” are subject to extrajudicial blocking upon request of the General Prosecutor’s Office to Roskomnadzor. According to Roskomnadzor,¹³ 51,892 resources were blocked “for extremism” in the first three quarters of 2018. In the overwhelming majority of cases, these were the “mirrors” of previously blocked pages, as identified by Roskomnadzor. The agency received only about 400 requests from the Prosecutor General’s Office.

With respect to both registries, we view access restrictions on the following resources as inappropriate: opposition materials and websites that do not call for forcibly taking down the regime (in particular, the ones containing announcements of peaceful actions); materials and websites of organizations recognized as “undesirable”; materials of regionalists and peaceful separatists; historical materials that contain no calls for violence; Ukrainian information and analytical materials that contain no calls for violence and websites of Ukrainian media; religious, anti-religious and some nationalist materials inappropriately recognized as extremist; materials and websites related to inappropriately prohibited organizations, and materials of a comic or satirical nature. We are also concerned about the large-scale blocking of information related to the persecution of adherents of the radical Islamist party Hizb ut-Tahrir in Russia.

Other Sanctions

Educational institutions and libraries still often face the prosecutorial wrath due to imperfection of content filtering on their computers. All computers accessible to minors are supposed to be equipped with filters restricting access to the forbidden information, including extremist materials. If a protection system does not work or works inadequately (and ideal filters simply do not exist), prosecutors issue their motions not to software developers or vendors, but to administrators of educational institutions and libraries, and the “guilty” staff faces disciplinary responsibility.

¹³ Roskomnadzor’s results // Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (Roskomnadzor). 2019. February (<http://www.rkn.gov.ru/plan-and-reports/reports/p449/>).

The number of inspections we recorded in educational institutions (secondary schools, colleges, etc.) and libraries in 2019 and various acts of prosecutorial response based on their results stands at 38, that is, fewer than in 2017 (53). Our data, of course, is incomplete, but it suggests that, under pressure from the prosecutors, educational institutions in the past few years have been paying increased attention to the effectiveness of their content-filtering systems.

At least five individuals and legal entities, including a school, a café, a hotel and a shopping center, were inappropriately fined in 2018 under Article 6.17 of the Code of Administrative Offenses (“Violation of the legislation on protection of children from information that is harmful to their health and (or) development”) for low quality of their content filtering.

Mass Media and Anti-Extremism

In a report on its activities for the first nine months of 2018, Roskomnadzor states that it issued 12 warnings “for using the media to carry out extremist activities (disseminating extremist materials)” and sent 47 requests to the editors of online media to remove reader comments with signs of extremism from their pages. However, the agency does not inform specifically which publications received warnings and requests, and for what infractions.¹⁴ We have information only on two cases of overreach by Roskomnadzor in 2018.

In January, the North-West Federal District department of Roskomnadzor sent to the *Business News Agency* (ABN, abnews.ru) a notice of alleged violation of the Law on Mass Media corresponding to Article 13.15 part 2 of the Code of Administrative Offenses (dissemination of information about an organization included into a published list of extremist organizations, without specifying that its activities are prohibited). The ABN news item of July 17, 2017, which attracted Roskomnadzor’s attention, discussed the refusal of the appeals board of the Supreme Court of Russia to annul the decision recognizing the Administrative Center of Jehovah’s Witnesses in Russia with 395 of its local organizations extremist and liquidating them. The headline of the news announced the “liquidation of Jehovah’s Witnesses,” and the text said about “eliminating the Jehovah’s Witnesses organization,” but the news item did not specifically contain the phrase “organization banned in Russia.” The Roskomnadzor claims

¹⁴ The results of the analysis of information on the implementation of the plan of activities of Roskomnadzor for the 3rd quarter of 2018 // Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (Roskomnadzor). 2018. November 7 (https://rkn.gov.ru/docs/doc_2342.docx).

against the ABN were obviously unsound – the article discussed the ban, even if its wording differed from the one prescribed by Roskomnadzor. In addition, administrative responsibility is provided exclusively for not mentioning the ban on organizations featured on the list of extremist organizations, and the Jehovah’s Witnesses organizations were added to it only on August 17, 2017, that is, one month after the ABN published the news. Finally, Roskomnadzor had to agree with the ABN’s arguments and abandon the idea of prosecuting the media outlet.

Kirill Rubankov, the editor-in-chief of *Kostroma.today*, was also released from fine issued under Article 13.15 Part 2 of the Administrative Code for his alleged failure to mention the ban on the Jehovah’s Witnesses organizations. His case was discontinued by the appellate court due to the expiration of the limitation period. The editor was penalized in August for failure to mention the fact that the organizations were recognized as extremist in the newsletter text about the arrest of a follower of Jehovah’s Witnesses. Meanwhile, this fact was actually mentioned in the credits of the video inserted in the news item.

Roskomnadzor filed the claims under Article 13.15 Part 6 of the Administrative Code (media production publicly justifying terrorism) following the broadcast *Echo Moskvy* [Echo of Moscow] radio station in Pskov of the “Minute of Enlightenment” show by journalist Svetlana Prokopieva and publication of the corresponding transcript by the *Pskovskaya Lenta Novostei* [Pskov News Feed] website. The show aired in November 2018 was dedicated to an explosion at the FSB office lobby in Arkhangelsk, as a result of which three department employees were injured, and a 17-year-old anarchist student, who had set up the explosion, was killed. A few minutes before the explosion, the young man had posted on a social network a message about the FSB torturing people and fabricating cases. Analyzing the incident, Prokopieva argued that the young man’s actions were fueled by the repressive state policy, which limits opportunities for civilized political struggle and expressions of opinions and demonstrates cruelty against its own citizens. Roskomnadzor issued warning to both the radio station and *Pskovskaya Lenta Novostei* [Pskov Newsfeeds] in December, and, in early 2019, forwarded the administrative offense report to a court, which proceeded to fine both media outlets. In addition, in February 2019, the journalist became a suspect in a criminal case under Article 205² Part 2 of the Criminal Code (“Public justification of terrorism in mass media”). In our opinion, charges against the media outlets and the author of the material are inappropriate. According to Article 205², public justification of terrorism should be understood as “a public statement on the recognition of the ideology or practices of terrorism as correct, and in need of support and a following;” there is no other legal definition of this concept in Russian

legislation. Prokopieva’s show never said that the ideology or practice of terrorism was correct and deserved to be emulated; accordingly, we believe that it exhibited no signs of justifying terrorism.

A Bit of Statistics

According to the data collected by SOVA Center, at least 11 verdicts against 45 individuals were issued in 2017 for violent crimes motivated by hatred, at least 2 verdicts against 6 individuals for ideologically-motivated vandalism,¹⁵ and 55 verdicts against 65 individuals for actual hate propaganda.¹⁶ Providing these figures, we need to clarify that our numbers on sentences issued for utterances constitute only about one third of the real number of sentences, reflected in the statistics published semiannually by the Judicial Department of the Supreme Court of the Russian Federation. We only know of the sentences that are reported by the press, law enforcement agencies, courts, convicted offenders themselves or their lawyers, etc., and such information does not always become public. In addition, in some cases, we do not have sufficient information to assess the legitimacy of the sentences. It is also worth remembering that, in some cases, we can say that incriminating statements violated the law, but presented no significant social danger – for example, because they had a very small audience. Nevertheless, we believe in the importance of demonstrating our findings that provide at least an approximate ratio between the numbers of legitimate prosecution for hate crimes and clearly inappropriate application of anti-extremist legal norms.

Further in this chapter, we present the tallies for the court decisions and for the newly initiated criminal cases that we view as either completely unjustified or extremely problematic.¹⁷ We have grouped the sentences by the corresponding articles of the Criminal Code (the cases are discussed in greater detail in the relevant chapters of this report).

We regard as inappropriate 7 verdicts to 8 persons issued in 2018 under Article 282 of the Criminal Code (vs. 10 verdicts against 10 individuals in 2017). Social activists from Crimea Dmitry Dzhigalov and Oleg Semenov were sen-

¹⁵ For more information see: Yudina, N. Far Right and Arithmetic: Hate Crime in Russia and Efforts to Counteract It in 2018.

¹⁶ For more information see: Yudina, N. On the Threshold of Change? The State Against the Promotion of Hate and the Political Activity of Nationalists in Russia in 2018.

¹⁷ It should be noted that in speaking of appropriate and inappropriate verdicts we focus only on the merits; in most cases we do not consider possible procedural violations.

tenced to a fine for a video with statements allegedly humiliating the Bulgarians.¹⁸ Mikhail Larionov, a gamer from Velikiye Luki, received a two-year suspended sentence for sharing a clip from a live stream of a multiplayer on-line game, in which the adversary was trolled with aggressive anti-Russian rhetoric. Poet Alexander Byvshev from the Oryol Region was sentenced to community service for publishing a pro-Ukrainian poem. Magomed Khazbiev, an opposition member from Ingushetia, received two years and 11 months in a penal colony under the aggregation of several articles; the charges against him included incitement of hatred towards the authorities of Ingushetia and towards the head of the republic. Arkadya Akopyan from Kabardino-Balkaria was sentenced to community service for distributing Jehovah's Witnesses materials. Kh. Dinmukhametov, an assistant imam from the Chelyabinsk Region, is facing a two-year suspended sentence for distributing four copies of an inappropriately banned Islamic brochure. Finally, we found the verdict issued to Alexander Gir (a participant in the 2010 pogrom at the Tornado rock festival in Miass, the Chelyabinsk Region, sentenced to six years in prison) inappropriate in the part that pertains to inciting hatred toward the social group "rock music fans."

On the other hand, at least two people previously wrongfully accused under Article 282 – Anton Ushachev from Tatarstan, the author of insulting inscriptions on the church fence, and Maxim Drozdov, who published a comic poem about the murder of the "heretic teacher" – had their charges dropped in 2018. The notorious sentence of Yevgeny Kort, convicted in 2016 for publishing a meme with Pushkin and Tesak, was overturned as well.

We categorize six cases against six people initiated in 2018 under Article 282 as unreasonable prosecution; two of these cases were terminated in early 2019. These numbers are significantly lower than in the preceding year, when we documented 14 new cases against 15 people.

According to our data, one inappropriate verdict against one person was issued in 2018 under Article 148 Part 1 of the Criminal Code for insulting the feelings of believers (vs. 5 verdicts against 5 individuals in the preceding year) – Anton Ushachev was convicted in Naberezhnye Chelny for his insulting graffiti on a church fence. In Sochi, the case of Viktor Nochevnov, charged for publishing memes depicting Jesus Christ, was discontinued due to the expiration of the limitation period. A court in Kurgan, dropped the criminal prosecution against a young man, who had published photographs of a Christian icon accompanied by an offensive comment on a social network, letting him off with a court fine. Meanwhile, three new cases were inappropriately initiated, two of which were discontinued in early 2019 due to the absence of a crime, and one could not be

¹⁸ The sentence was revoked in February 2019 due to partial decriminalization of Article 282.

discontinued, because the defendant insisted on being released from responsibility on exonerative grounds. In addition, neo-pagan Natalia Telegina, wrongfully convicted under this article a year earlier, had her conviction removed.

No inappropriate verdicts were issued under Article 354¹ of the Criminal Code ("Rehabilitation of Nazism") in 2018 (the same was true for 2017). One new unfounded case was opened under this article against opposition blogger Konstantin Ishutov from Cheboksary for publishing on a social network a Nazi leaflet with appeals to Soviet citizens.

As in 2017, only one verdict was inappropriately issued under Article 280 of the Criminal Code in 2018. It was a two-year suspended sentence in Toropets, the Tver Region, to activist Vladimir Egorov for his aggressive but abstract anti-government statement on a social network. Four new cases were initiated under this article on dubious, albeit not totally absent, grounds; one of them, however, has been closed by the investigation.

Two inappropriate sentences were issued under Article 280¹ of the Criminal Code for incitement to separatism in 2018 (vs. one in 2017) – one against Ivan Kolotilkin, an Ulyanovsk activist of the Community of the Indigenous Russian People for distributing leaflets that called for the creation of a "Russian state" in Russia, and the other one against a Severomorsk resident who expressed his support for the referendum on separation of the Murmansk Region from Russia on a social network; both of them received suspended sentences. We have doubts about the charges, filed under this article against Sevastopol activist Valery Bolshakov, whose criminal prosecution had begun a year earlier.

In 2018, as in 2017, the courts did not render a single inappropriate sentence under Article 282¹ of the Criminal Code. However, at least two new cases were opened on dubious grounds under this article, – against ten activists from the New Greatness group and against three administrators of the public pages that spread the A.U.E. ideology.

Ten inappropriate sentences against 27 people were pronounced in 2018 under Article 282² of the Criminal Code (vs. 11 against 32 people in the preceding year). Five verdicts against 22 people were handed down for organizing cells of the banned Islamic movement Tablighi Jamaat or participating in its activities (in Bashkortostan, the Altai Region, the Moscow Region and Moscow). Another five verdicts against five people were issued against Muslims studying the books of Said Nursi, charged with participating in the non-existent, but nevertheless prohibited, Nurcular organization (in Krasnoyarsk, Novosibirsk and Dagestan). One case – against retiree Vyacheslav Gorbaty, charged with involvement in the banned AVN – was returned to the prosecutor's office by the court in 2018, due to vagueness and inconsistency of the charges. However, at least 38 new cases were inappropriately initiated with at least 108 people

as defendants. Jehovah's Witnesses, who faced mass prosecution in 2018, account for 36 of these cases against 101 people (in three of these cases the defendants were also charged with financing extremist activities under 282³). Two additional cases under Article 282² were opened in Tatarstan – one against two followers of Tablighi Jamaat, and the other one against five members of the Fayzrakhmanist community. For comparison, we reported 7 new cases against 14 people initiated under Article 282² in 2017.

Separately, we would like to note the sentences to the followers of Hizb ut-Tahrir, which are not included in our general statistics, and which we consider inappropriate in the part related to the charges of involvement in a terrorist organization under article 205⁵. There were 15 such sentences in 2018 against 49 people (vs. 15 against 37 in 2017), so the number of wrongfully convicted has grown. In two of these cases, 24 individuals were also charged under Article 30 Part 1 and Article 278 of the Criminal Code – that is, with preparation for the forcible seizure of power; in our opinion these charges were inappropriate as well. At least 20 people were arrested in 2018 in five criminal cases under the charges of involvement in Hizb ut-Tahrir (we recorded about 10 such cases against more than 40 people in 2017).

According to our data, in 2018 (as well as in 2017) no inappropriate sentences were issued under Articles 213 and 214 of the Criminal Code (“Hooliganism” and “Vandalism”) aggravated by the hate motive. However, at least one criminal case was inappropriately initiated under Article 213 in Chelyabinsk based on the oppositional action “He’s not our king;” five people were subjected to house searches as part of the investigation.

In total, 21 inappropriate sentences against 39 people were handed down in 2018 under the “anti-extremist” articles of the Criminal Code (not counting the Hizb ut-Tahrir cases opened under anti-terrorism articles) – a smaller number than in the preceding year, when 26 verdicts were issued against 47 people. Meanwhile, 11 sentences against 12 people were issued for “extremist” statements (we counted 15 such sentences against 15 people in 2017),¹⁹ and 10 sentences against 35 people – for involvement in the activities of extremist organizations (vs. 11 against 32 in 2017). Thus, as in the preceding year, the majority of the offenders followed a banned religious organization.

¹⁹ The data on sentences in this report does not numerically coincide with those in N. Yudina's report “On the Threshold of Change? The State Against the Promotion of Hate and the Political Activity of Nationalists in Russia in 2018” because here we considered the sentences imposed under several articles as inappropriate, if we regarded the charges under one of them as unfounded. The report “On the Threshold of Change?” classifies such sentences as “not sure.”

In total, we know of approximately 50 new criminal cases inappropriately initiated during the review period against approximately 120 people, significantly exceeding the numbers of 2017, when about 30 cases were inappropriately initiated against 40 people. Such a significant increase came from the cases opened as part of criminal prosecution campaign against Jehovah's Witnesses under the article on continuing the activities of extremist organizations; only ten percent of the new cases pertained to public statements.

Before proceeding to our data on the use of the Code of Administrative Offenses articles aimed at combating extremism, we would like to remind that, in reality, the cases of prosecution under these articles are measured in hundreds (according to the statistics provided by the Judicial Department of the Supreme Court, only in the first half of 2018, 963 persons were punished under Article 20.3 and 1133 persons – under Article 20.29 of the Code of Administrative Offenses).²⁰ However, the number of cases, for which we have information on the specific reason for a prosecution, and can assess the degree of its appropriateness, is in the dozens.

We regard 29 cases of prosecution for public demonstration of Nazi or other prohibited symbols, that is, under Article 20.3 of the Administrative Code, as inappropriate (vs. 46 such cases in 2016). In all cases the offenders were individuals, mainly activists of the opposition. A fine was imposed in 15 cases, administrative arrest in 7 cases and 5 cases were discontinued in a court of first instance; the outcome of 2 more cases is unknown

According to our information, 17 defendants (there were at least 30 in 2017) were inappropriately punished under Article 20.29 for mass distribution of extremist materials or for storage of such materials with intent to distribute. We know that the courts imposed a fine as punishment in 14 of these cases and administrative arrest in one case, one case was discontinued in a court of first instance; the outcome of one more case is unknown. The defendants included Muslims of different branches, Jehovah's Witnesses, and activists of the opposition. As a rule, these people did not engage in mass dissemination of prohibited materials.

The Federal List of Extremist Materials increased by 465 entries in 2018, compared to 330 new entries 2017. We can see that its growth rate increased again, although it did not reach the level of 2016, when 785 entries were added. It should be borne in mind that, in 2018, the Ministry of Justice, obviously, took up the task of putting its records in order, since the list came to include

²⁰ Consolidated Statistical Data on the Activities of Federal Courts of General Jurisdiction and Magistrates' Courts for the First Half of 2018 // Judicial Department at the Supreme Court of the Russian Federation. 2018 (<http://www.cdep.ru/index.php?id=79&item=4758>).

a significant amount of materials banned by the courts in the preceding years, but, for some reason, not properly processed at that time.

We consider the following additions to the list clearly inappropriate: at least 7 entries with various non-dangerous oppositional materials (two of them from Ukrainian websites), 20 entries with materials of Jehovah's Witnesses, 22 entries with Muslim materials, two entries with historical writings, one entry with a video on healthy lifestyle created by right-wing activists, as well as 11 entries with various satirical materials. They come to a total of 63 (vs. 38 clearly inappropriate entries added in 2017). We have to add, as usual, that we are not familiar with all the materials on the List, and some materials with content unknown to us also could have been banned inappropriately.

The Karelian regional branch of the *Molodezhnaya Pravoazhchitnaya Gruppy* (MPG [Youth Human Rights Group]), an interregional youth public charity organization, was added in 2018 to the list of organizations banned in Russia for extremism.²¹

²¹ Karelian MPG Added to the List of Extremist Organizations // SOVA Center. 2018. 7 November (<https://www.sova-center.ru/misuse/news/persecution/2018/11/d40252/>).

Olga Sibireva

Freedom of Conscience in Russia: Restrictions and Challenges in 2018

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

With regard to the events of the 2017 described in our preceding report¹ only the necessary updates are provided. We are not aiming to provide an exhaustive description of all events related to religion in the public sphere; the events mentioned in the report generally serve to illustrate the tendencies observed.

The problems and themes related to misuse of anti-extremist legislation are analyzed in a report by Maria Kravchenko in this book.

Summary

The state course on adopting more restrictive policies towards new religious movements and Protestant organizations, observed over the past few years, continued in 2018.

The situation of Jehovah's Witnesses, who came under increasingly widespread persecution in the past year, causes the greatest alarm. Over a hundred people have already been prosecuted for continuing the activities of a banned organization – de facto, for continuing to profess their religion; 25 of them are in custody and several thousand people had to leave Russia. Property was confiscated from the communities all over the country. Judging by the harshness of the sentence imposed on Danish citizen Dennis Christensen (issued in early 2019), no liberalization of the policies towards Jehovah's Witnesses is expected in the near future.

¹ Sibireva, O. Freedom of Conscience in Russia: Restrictions and Challenges in 2017 // SOVA Center. 2018. May 18 (<https://www.sova-center.ru/en/religion/publications/2018/05/d39381/>).

The scope of persecution against believers under the amendments from the Yarovaya-Ozerov Package of laws, which restrict missionary activity, has not decreased. In 2018, the law enforcement began to apply these amendments not only to Protestants and representatives of new religious movements, but also to “traditional” religious organizations. This development suggests that the state has no intention to stop at the “anti-cult” campaign and is ready to repress almost any believers, ideally limiting the activities of religious movements that are undesirable to federal or local authorities only to conducting religious ceremonies.

The construction of religious (primarily Orthodox) sites remains a source of tension, but the center of confrontation shifted from Moscow, which had long accounted for the majority of such construction-related conflicts, to the regions. As in the preceding years, such conflicts were most often caused by problematic location choices for the new building sites, violations during the public hearings process, or failure to conduct such hearings. The confrontation experience of the preceding years has taught the opposing sides to find a compromise, although achieving it is still not always possible.

At the same time, religious organizations, primarily Protestant churches, faced increasingly frequent problems with the use of their existing buildings. Taking into account the fact that, in many cases, officials raised objections against the buildings previously used for several years without any complaints from the authorities, these objections can be viewed as another way of pressuring religious organizations.

Meanwhile, no criminal prosecutions for insulting religious feelings took place in 2018. The grassroots defenders of religious feelings noticeably quieted down, and, in contrast to the preceding year, all their protests were peaceful. Nevertheless, the organizers of various cultural events, apparently by inertia, often resorted to self-censorship in order to avoid possible objections from such defenders.

Defamatory publications against religious minorities continued to appear in the media from time to time. The abundance of “anti-sectarian” (“anti-cult”) materials on federal TV channels was apparently intended to legitimize repressive measures against these religious organizations. However, taking into account the mass character of the audience of these TV channels, their shows can be regarded as creating an enemy image out of a significant segment of law-abiding citizens – adherents of new religious movements or Protestantism.

When viewed in combination with several other events not covered in this report, such as the Moscow–Constantinople schism, we can note the growing tension in the areas of government policy related to religion.

Legislation

In the course of the year, several laws that affect the activities of religious organizations were adopted. Three legislative initiatives, developed at the initiative of the Russian Orthodox Church, simplified the life of religious organizations by abolishing a number of clearly excessive regulations.

On July 26, the State Duma adopted the amendments to the Civil Code (signed into law by the President on August 3) allowing religious organizations to use unauthorized structures if they meet the requirements of the law and have a religious purpose or are used to support other property that has a religious purpose. In cases of these buildings not being in compliance with the requirements of the law, they can be legalized until 2030.

Amendments to Article 3 of the Federal Law on Special Evaluation of Working Conditions adopted by the State Duma on December 18 and signed by the president on December 27 freed clergymen from having to fulfill some of legal requirements stipulated by the Law. According to the authors of the amendments, the existing working conditions standards did not take into account the confessional differences and the specific features of religious sites – in particular, with respect to the requirements for light, temperature, size of the workplace, etc.

Simultaneously with these amendments, Article 345.1 was added to the Labor Code of the Russian Federation and provided religious organizations with a simplified procedure for withdrawing from participation in regional minimum wage agreements. The new article allows religious organizations to submit a withdrawal from participation in minimum wage agreements without having to attach the previously required minutes of consultations with an elected body of the primary trade union and a proposal for a wage increase timeline. It was difficult for religious organizations to participate in the agreement for a number of reasons: the donations-based budget does not always allow raising wages to the established minimum and the positions of religious organizations’ employees are not listed in the Russian National Classification of Occupations. Centralized religious organizations now can also submit withdrawals on behalf of other organizations that are part of their structure.

Conversely, the requirements for religious groups were tightened. The order of the Ministry of Justice “On Amendments to the Form of Notification of the Beginning of Activities of a Religious Group,” which entered into force on July 20, demands that the notification of establishing a religious group include the personal data of its creator, as well as “*information about the fundamentals of religion, places of worship, and other religious rites and ceremonies, a leader, a representative, and citizens belonging to a religious group.*” The concept of “religious group” has no clear definition, since it was created to denote the

most informal associations, so there is reason to fear that the new regulation may create problems for many believers.

Changes in legislation affecting the life of religious organizations were made at the regional level as well. For example, the Law on Regulation of Land Relations in the Moscow Region was amended to allow the transfer to the ownership of religious organizations of agricultural land that is state or municipal property and already used by religious organizations under the right of perpetual use. De facto, this will affect the lands of the major Orthodox monasteries located in the Moscow Region.

We also would like to mention that, in March, the Constitutional Court of the Russian Federation issued a ruling on the complaint of Tambov journalist Sergey Stepanov, fined in 2017 for posting on a social network an invitation to attend the Easter service in a Baptist church. He tried to challenge the constitutionality of certain provisions of the Law on Freedom of Conscience and Religious Associations related to missionary activity, as well as Article 5.26 part 4 of the Code of Administrative Offenses. The Constitutional Court rejected Stepanov's complaint; however, its ruling has clarified the legal norms governing missionary activity.

In particular, according to the ruling, the core attribute of missionary activity by a religious association is *“the distribution by citizens or their associations of information about a particular religious dogma among people who, not being its followers, are being encouraged to join.”* It is also noted that missionary activity *“is carried out by a specified circle of persons (religious association, its participants, other citizens and legal entities in the established manner).”* Thus, the fact of missionary activity can be considered proven only if all these signs are present in the activities of a religious association. Otherwise, its activity *“cannot be qualified as missionary in the sense of the Federal Law on Freedom of Conscience and Religious Associations,” and therefore, even if done in violation of the legislation on freedom of conscience, religious freedom and religious associations, it does not form the offense provided for by Article 5.26 Paragraph 4 of the Code of Administrative Offenses of the Russian Federation.”*²

This ruling has not yet fundamentally changed the law enforcement practice under Article 5.26; however, those charged with “illegal” missionary work can now cite the ruling, insisting that the courts should not classify acts that don't have the attributes indicated by the Constitutional Court as missionary activity.

² Ruling No. 579 of the Constitutional Court of the Russian Federation of March 13, 2018 // Website of the Constitutional Court of the Russian Federation. 2018. April (<http://doc.ksrf.ru/decision/KSRFDecision323481.pdf>).

Projects Not Implemented (Yet)

Some legislative initiatives were not implemented in 2018.

Amendments to the Law on Freedom of Conscience and Religious Associations, which became publicly known in October, attracted the greatest attention. These amendments provide for a shorter list of documents required for the state registration of religious groups. At the same time, the amendments stipulate annual submission of notifications about the continuation of the activities of a religious group, rather than once every three years, as has been the rule under the existing regulations. Under the same amendments, clergymen and employees of religious organizations, who have received religious education abroad, have to undergo certification in Russian religious schools (it is hard to envision these rules being applied to certain religious confessions).

However, the proposal that caused the greatest concern among many believers and lawyers suggested replacing the word “members” with “participants” of a religious group in several articles of the law. Since the concept of “church membership” is very important for Christians, and they will continue to use it regardless of the wording of the law, religious groups will become subject to administrative prosecution due to unavoidable discrepancies between the statutes that refer to “participants,” and the fact that people, when answering the inspectors' questions, are going to describe themselves as “members” of the group.

The bill, proposed by the Ministry of Justice, has passed public discussion, but has not yet been submitted to the State Duma.

It should be noted that the State Duma is not going to abandon its course on harsher policies with respect to religious associations that are undesirable for the authorities. In June, the State Duma announced the allocation of more than four million rubles for preparing an expert analytical study aimed at the improvement of legislation on counteracting “sects.” Vitaly Milonov – an author of many initiatives aimed at regulating the activities of religious organizations – moved from the Committee on International Affairs to the Committee on the Development of Civil Society, and Issues of Public and Religious Associations in November. In his new position, he intends to focus on the church-state relations and to counteract *“the spread of totalitarian sects and destructive cults in our country.”* However, he came out with his first initiative – a proposal to certify providers of “occult” services – only in 2019, and, at the time of writing this report, the State Duma had not yet considered his bill.

Problems with Places of Worship

Problems with the construction of religious sites

Construction of new religious sites, most often Orthodox churches, continued to be a frequent cause of conflicts with local residents.

However, the “walking distance” modular church construction program in Moscow, which had provoked violent protests for several years, apparently ceased to be a source of tension. We noted a decrease in the number of conflict situations around the construction of these temples in our 2017 report, but now the conflicts have practically stopped. In the isolated cases of discontent, for example, in Novogireyevo or Academichesky Districts, the scale of the confrontation never came close to the events of several years ago. Apparently, the initiators of the construction, its opponents, and officials have taken into account the experience of these past few years, and conflicting groups of citizens have learned to find peaceful solutions.

In other regions, the construction of Orthodox churches was still in many cases accompanied by conflicts in 2018. As in preceding years, they stemmed from the reluctance of local residents to give up their parks and recreational areas for the sake of a church. Protests against the construction of churches in green areas were reported in Izhevsk, Chelyabinsk, Chita, Pervouralsk of the Sverdlovsk Region, and the village of Elekmonar of the Altai Republic. Residents of Kanonerskiy Island in St. Petersburg went to court challenging the order of the Committee for Urban Planning on the allocation of a site in the public garden for the construction of a church.

Some protests stemmed from the wishes of local citizens to see a different object on a disputed site instead of a church. For example, residents of Kurgan decided that a school or kindergarten would be more appropriate on the site allocated for the church construction. Residents of St. Petersburg, Nizhnevar-tovsk, Syktyvkar, Tolyatti and Tomsk also preferred to see different objects built instead of a church.

The ongoing multi-year confrontation around the construction of the Church of St. Catherine in Yekaterinburg was the most resonant conflict in this category. In 2017, the authorities, under pressure from the protesters, moved the church building site from the spit of the Iset River to the area near the Drama Theater. However, once again, many city residents found this location unsuitable. Several protests, now directed against the “temple-on-the-drama,” took place during the review period. Opponents of the construction also sought to hold a referendum on the construction of a church in the public garden on Teatralnaya [Theatre] Square. However, in February 2019, the City Council

refused to hold a referendum, insisting that the construction procedures were regulated by the Town Planning Code and were not under the purview of local self-government bodies. At the same time, the deputies approved changes in the city land legislation to allow the construction of a church in the Teatralnaya Square public garden.

This was not the only case when the authorities made a decision against the protesters' demands. The authorities of St. Petersburg, despite the protests by the city residents, agreed to the construction of an Orthodox church in the *Baltiyskaya Zhemchuzhina* [Baltic Pearl] District. The Blagoveshchensk authorities also ignored the protests and confirmed the agreement to construct a church on the *Zolotaya Milya* [Golden Mile], a new landfill embankment.

Increasingly, however, the authorities have been listening to the protesters and taking their position into account when resolving contentious situations. For example, in response to the residents' protests, officials in Rostov-on-Don terminated an agreement with an Orthodox parish on the uncompensated use of a land plot in the Elektroapparat Park, where the church construction had been planned. The Tomsk authorities also supported the protesters – the deputies of the Zarechny rural settlement did not pass the proposal to change the zoning permissions and allow for building a church on the disputed site. The Property Management Committee of the Tambov Region, not waiting for mass protests, refused to provide the Orthodox community with a site for building a church in Maisky neighborhood, noting that the location was intended for constructing social, transportation or engineering infrastructure objects.

The construction of mosques also triggered protests of local residents. However, in all cases known to us, the discontent was based either on anticipation of possible inconvenience from having a mosque in the neighborhood or on xenophobic motives. Thus, Kazan residents, who spoke out against the construction of a mosque on Khorovodnaya Street, were concerned about loud calls to prayer. The authorities of Perm, who provided the Muslim community with a plot for the construction of a mosque in 2016, announced in 2018 that this place would instead be used for a public garden. The latter decision was preceded by protests of local residents, who feared that the new mosque in Danilikha neighborhood would increase the number of migrants. The residents of Severouralsk in the Sverdlovsk Region, who opposed the construction of a mosque, were also motivated by the fear of migrants, “Muslims of various kinds.” One of the local elected representatives even complained about this construction to the FSB.

Other religious organizations also encountered resistance against construction of their buildings. The Perm authorities refused to issue a permit to a Pentecostal community for building a temple on the site, which the believers purchased back in 2007 along with the dilapidated building of a children's center. The City Com-

mission on Land Use and Development decided that the construction of a church was an “exotic use of the territory” for the residential neighborhood.

Mormons, who bought a plot in Novosibirsk back in 2014, were unable to start the construction work on the building, despite the Supreme Court decision of December 20, 2017, which ordered the Novosibirsk Mayor’s Office to change the zoning of this land plot from the recreational category to the public business land and to issue a construction permit. Alexander Kondratyev, the head of the Construction and Architecture Department of the Novosibirsk Mayor’s Office, said that the Office intended to continue delaying the execution of the court’s decision, and one of the elected officials called the Mormon temple “satanic.”

It is worth noting that, in some cases, the authorities pressured citizens, forcing them to donate money for the construction of Orthodox churches. In June, Governor of the Penza Region, Ivan Belozertsev suggested that the elected officials donate their one-day earnings for the restoration of Spassky Cathedral. At the same time, a Penza resident complained to journalists about compulsory salary deductions practiced at his place of employment to fund the construction of the cathedral. It was reported in December that money for construction of the main cathedral of the Russian Ministry of Defense was being forcibly deducted from the soldiers’ paychecks in the garrisons of Khabarovsk and Pskov – although the Ministry of Defense repudiated this information, calling it “*a Ukrainian propaganda fake.*”

Problems with using the existing religious buildings

Unfortunately, religious organizations encountered difficulties in using existing buildings more frequently in 2018 than in the preceding year.

The confiscation of property from the Jehovah’s Witnesses communities, which began in 2017, continued in 2018. In some cases, the religious organizations managed to transfer to foreign owners the property that was subject to confiscation in accordance with the decision of the Supreme Court of the Russian Federation of April 20, 2017. Nevertheless, the state confiscated this property, with courts declaring the transfer transactions void. This scheme was first tested in 2018 by seizing a building complex in the village of Solnechnoye near St. Petersburg – a former location of the Jehovah’s Witnesses Administrative Center in Russia. Jehovah’s Witnesses tried to challenge this decision, but to no avail. The St. Petersburg City Court upheld the decision of the Sestroretsk District Court, which deemed the transaction transferring the complex to a foreign owner to be invalid.

Similarly, the transactions donating Jehovah’s Witnesses property to foreign organizations were deemed invalid in the following locations: Astrakhan, Petrozavodsk, Dimitrovgrad (the Ulyanovsk Region), Belorechensk and Kansk (the Krasnoyarsk Region), Tynda (the Amur Region), Engels (the Saratov Region), Asino and Seversk (the Tomsk Region), Angarsk and Usolye-Sibirskoye (the Irkutsk region).

The Krasnodar regional authorities have put the seized property up for auction in Armavir, Apsheronsk, Novokubansk, Tikhoretsk, Gulkevichi and the village of Otradnaya. The authorities of Kazan and Nizhnekamsk did the same. In these cases, even if the ban on Jehovah’s Witnesses organizations is overturned at some point, recovering the sold property from a bona fide purchaser will be challenging.

Protestant organizations also had more difficulties using their premises in 2018 than in the preceding year. Usually, officials found problems with documentation on buildings that had been used by believers for many years. For example, Pentecostal prayer houses were demolished in Tula and Novorossiysk. In both cases, the buildings were recognized as unauthorized by court decisions in 2017. Moreover, the court in Novorossiysk ordered a pastor to pay 353 thousand rubles as a penalty for non-compliance with the demolition schedule.

In May, the Zheleznodorozhny District Court of Oryol, upon request of the prosecutor’s office, banned the *Voskresenie* [Resurrection] Evangelical Church from operating a prayer house on Zheleznodorozhnaya Street. The prohibition was based on a violation found during the prosecutorial inspection – according to the documents, part of the prayer house (8 square meters) was built on the land that did not belong to the head of the community; thus it was not possible to formally register the building to be put into operation. At the same time, the Oryol administration demanded that part of the land plot be taken away from the community. The community filed a counterclaim against the administration in January 2019. The head of the community believes that the dispute over the ownership of the site arose due to a cadastral error and requests that the Oryol Regional Office of the Federal Service for State Registration, Cadastre and Cartography (Rosreestr) correct this error.

In June, the Kirovsky District Court of Kazan ruled to demolish the private house, in which Evangelical Christian Baptists were conducting their prayer services; this decision was approved by the Supreme Court of the Republic of Tatarstan in August. The house was purchased by a church staff member in 2010, and some additions were built. Then, for several years, the owner unsuccessfully tried to formalize the ownership of the house and the land. In addition, officials determined that the house was not a residential building, and, therefore, the site was not being used for its intended purpose.

In Rostov-on-Don, the Rosreestr fined the Youth with a Mission (an organization under the jurisdiction of the Russian Church of Evangelical Christians) and its leader for a total of 1,300,000 rubles in two separate court cases. Rosreestr and the court found the plot to be used without authorization; meanwhile the organization had been seeking legal authorization since 2013. In addition, the organization and its head were fined for misuse of the site. Attempts to appeal these decisions were unsuccessful.

Of course, occasionally the problems with the buildings' use by religious organizations arose due to internal circumstances rather than official objections. For example, the building of the New Apostolic Church on Kalinin Street in Khabarovsk was put up for sale due to a financial crisis. The number of parishioners decreased significantly since 1999, when a temple was built with the support of German believers, and the community no longer had enough money to maintain the large building. The believers found a smaller building for worship. The New Apostolic Church buildings in Yakutsk, Yuzhno-Sakhalinsk and Magadan had already been sold for the same reasons.

Various Christian Orthodox communities also frequently faced problems with using their ecclesiastical buildings.

The last historic church – the 19th century Ilyinsky Church in Trubchevsk of the Bryansk Region – was taken away from the Russian Orthodox Autonomous Church (ROAC). In July, the Arbitration Court of the Bryansk Region refused the claim on the church by the Klintsov Diocese of the Russian Orthodox Church due to the expiration of the limitation period for the claim. Nevertheless, the appellate body of the Arbitration Court still seized Ilyinsky Church from the ROAC in December.

The Mayor's Office of Krasnodar went to court seeking the demolition of an Old Believer church currently under construction. The building is located on a plot that belongs to the Old Believers community under the private property rights. Pending the outcome of the case, the court has seized the building, which the officials regard as an illegal construction.

In the Rostov Region, the arbitration court refused the Old Believers community in forming the cadastral site for transferring the ownership of the land under the cathedral and the adjacent buildings. In 2017, the city administration refused the community and didn't grant its preliminary approval of the property transfer to the Old Believers, citing the fact that the site intersected with capital construction objects, including apartment buildings. Then the community went to court and provided a conclusion, prepared by the cadastral engineer, that the site did not intersect with any residential buildings, but the court sided with the authorities.

A number of Russian Orthodox Church parishes faced difficulties as well. Thus, due to the motorway construction, the Moscow authorities decided to

demolish the wooden Venerable Joseph of Volotsk church in Old Belyaev as well as a Sunday school, a gymnasium and a missionary center located next to it. The believers are outraged by this decision, as well as by the fact that they have not been allowed to attend the public hearings dedicated to the planning project for the area between Academician Chelomey Street, Novatorov Street and Obruchev Street.

A similar conflict in Yekaterinburg, where the light rail line construction necessitated the demolition of the church of John the Baptist, was resolved in February 2019. The parish was promised monetary compensation, and the leaders of a local industrial enterprise expressed their willingness to erect a new stone church on their land, as well as a temporary building to house the parish during the construction of a permanent one.

Muslim organizations had fewer difficulties with the use of liturgical premises than in the preceding year, but some problems were still reported. For example, the Kunashaksky District Court of the Chelyabinsk Region invalidated the property right of Imam Mukhtar Farkhutdinov to the mosque building in the village of Muslyumovo. Farkhutdinov had built a mosque with the support of the villagers; he registered a religious community in it and formalized a property deed on the site and the prayer house back in 2007. Believers regard the conflict between the imam and the mufti of the Chelyabinsk Region as the reason for the seizure of the mosque.

Positive resolutions

Fewer cases of religious organizations successfully defending their property in court were reported in 2018 than in previous years, but such incidents still occurred.

Thus, the Arbitration Court of the Volgograd Region recognized the ownership of the house of prayer in the village of Zaplavnoe (Leninsky District) by the local organization of the *Golos Istiny* [Voice of Truth] Evangelical Christian Baptist Church. The building, used by the community since 2005, had long been considered an illegal structure. However, the court agreed with the expert opinion, which argued that the building was safe in operation and did not create a threat to the life and health of people, and legalized the structure.

The *Troitsky* [Trinity] parish of the Ukrainian Orthodox Church (Kyiv Patriarchate) in Noginsk of the Moscow Region, which had its church seized in 2016, went all the way to the European Court of Human Rights defending its interests. The ECtHR communicated the complaint of the parish in September.

Conflicts around the transfer of property to religious organizations

As in the preceding years, property was occasionally transferred to religious organizations, most often to the Russian Orthodox Church, but to other organizations as well. For example, the Jewish community in Tomsk obtained a wooden building of the “soldiers’ synagogue” – an architectural heritage site of regional importance.

If the transferred property had been in use by other organizations, then, as a rule, these organizations were given alternative premises, and, in most cases, the transfers took place without conflict. For example, in St. Petersburg, a building on the Obvodny Canal, which had housed the Russian National Library collections since 1965, was transferred to the ROC. The transfer decision was made in 2015, but the move of the library collections to another building only became possible in 2018.

However, not all religious organizations managed to acquire the property they claimed. In particular, the St. Petersburg administration refused to return to the Evangelical Lutheran Church of Ingria the late 18th century church building on Kirochnaya Street, which had served as residential property of the St. Anna Lutheran Church before the revolution of 1917. The authorities did not recognize the building as religious property.

In some cases, religious organizations had to go to court to obtain the desired property, and the court did not always rule in their favor. We know of at least three court cases involving property claims by Catholic communities. Only the Barnaul Catholic Parish of Christ the King of the Universe has achieved some degree of success in seeking the transfer of a historic building currently occupied by a pharmacy. The community demanded that several regional legal acts, transferring the building and the land under it to the city ownership, be declared invalid. This way, the believers hope to reinstate the building and the land as the property of the region, and then transfer them to the parish. The court of first instance dismissed their claim in July; the appellate instance in October confirmed this decision. However, in February 2019, the cassation instance overturned these decisions and sent the case for a re-trial.

The Catholic communities of Kirov and Krasnoyarsk were less successful in their court fights for former church buildings. Since in both cases the buildings in question are occupied by the regional philharmonic societies, the authorities refuse to consider them as religious property and hand them over to the Catholics. The court already ruled against the parish in Krasnoyarsk; the Kirov case continued into 2019.

Several high-profile conflicts of the past years related to the transfer of property to religious organizations were resolved in 2018. A number of protests against the

possible transfer of St. Isaac’s Cathedral to the Russian Orthodox Church took place in St. Petersburg throughout the year. On December 30, however, it was reported that the 2016 transfer order was no longer valid, and the diocese had never submitted a new transfer request. According to Boris Vishnevsky, the leader of the Yabloko faction in the St. Petersburg Legislative Assembly, who has consistently opposed to the transfer, the church will make no further attempts at taking over the cathedral at least until September 2019, when regional elections are held in St. Petersburg.

Moreover, the Arbitration Court of St. Petersburg and the Leningrad Region overturned as illegal the decision of the St. Petersburg Department of the Federal Antimonopoly Service (FAS) on recognizing the transfer of the St. Sampson Cathedral to the Russian Orthodox Church; the court ruled that the FMS had exceeded its authority by issuing the transfer decision.

In June, the Arbitration Court of the Sverdlovsk Region in Yekaterinburg once again rejected the claim of the Yekaterinburg Diocese against the Ministry of State Property Management in the region regarding the transfer to the Russian Orthodox Church of three buildings, which currently house colleges and have been claimed by the diocese since 2016.

However, some conflicts over property transfers to religious organizations have continued unabated. Situations around the sites occupied by cultural institutions have produced the most tension. Thus, for example, the conflict has escalated over the transfer to the Barnaul Diocese of the building of the former *Kresto-Vozdvizhensky* [Exaltation of the Cross] Church, which has been operating for almost 70 years as the city planetarium. The transfer decision was made in 2014, but, so far, no new home has been found for the planetarium. Local residents started to collect signatures on a petition demanding that the building not be handed over to the church. The diocese is ready to wait until a suitable location is found for the planetarium.

In Moscow, bailiffs sealed and blocked the entrance to the basement of a building on Petrovka Street, which houses the workshop of the Petlyura Cultural Centre. This was done in accordance with the court decision of 2017, which transferred part of the basement space of the building to the Vysokopetrovsky Monastery. The building residents challenged the court decision, but the bailiffs sealed the space, without waiting for the verdict of the appellate instance.

In addition, the Russian Orthodox Church has made several new claims on museum sites – the *Voznesensky* [Assumption] and *Dmitrievsky* Cathedrals in Vladimir, which are on the UNESCO World Heritage List, as well as a number of sites of the *Kirillo-Belozersky* and *Ferapontov* monasteries in the Vologda Region. In both cases, the museum community does not consider the transfer feasible. The Federal Property Management Agency rejected the claim filed by the Vologda Diocese. No final decision has been made with regard to the Vladimir sites.

Discrimination on the Basis of Attitude toward Religion

Criminal Prosecution

Since April 2018, isolated criminal prosecutions against Jehovah's Witnesses have grown into a relatively mass campaign. Throughout the year, new cases were initiated against the believers, who continued to gather for communal prayers and reading religious literature and were charged with continuing the activities of an extremist organization (Article 282² of the Criminal Code). Occasionally, believers faced the charges of financing the activities of such an organization (Article 282³ of the Criminal Code) or inciting religious hatred (Article 282 of the Criminal Code). According to representative of the European Association of Jehovah's Witnesses Yaroslav Sivulsky about 50 such cases were initiated in 33 regions as of February 2019; most of them were opened in 2018. 115 people (90 men and 15 women, including seven people over age 70) faced criminal prosecution. At the time of writing this report, the number of defendants exceeded 120, and 25 of them were in custody. Approximately five thousand believers were forced to seek political asylum outside Russia.

Also according to Sivulsky, since the announcement of the ban against the central and local Jehovah's Witnesses organizations, about 270 searches have been conducted in connection with criminal cases in different regions. As a rule, these searches were accompanied by various violations. For example, detainees in Krasnoyarsk were threatened with arrest if they refused to testify against their fellow believers. In Nevinnomyssk of the Stavropol Region, a 77-year-old believer, detained during a search, became ill while in custody and needed medical assistance.

Law enforcement officers in various regions continued to detain believers, bring them to the police stations, and subject them to searches. These actions have been reported, in particular, in Moscow, Ufa, Krasnoye of the Belgorod Region, Murom, the Vladimir Region, Tuapse, and the Krasnodar Region. In the village of Kuduk-Chilik in the Omsk Region, the police dispersed a meeting of believers, detained its participants, brought them to the police station and demanded that they write an explanatory letter and reveal their religion.

Believers in Togliatti and Syzran were fined under Article 20.29 of the Code of Administrative Offenses ("Mass distribution of extremist materials") for publishing links to the Jehovah's Witnesses website on their social network pages. In Togliatti, the police broke into the believer's apartment.

Cases of denying the right to pursue alternative civilian service to Jehovah's Witnesses, drafted into the army were more frequent as well. In addition, a 79-year-old believer in Engels of the Saratov Region was denied medical treat-

ment when she rejected a blood transfusion and asked for an alternative. The doctor replied that there was no alternative to the transfusion, and that, since the patient was "in a sect," she would not be treated.

The investigation continues in the case initiated in 2016 in St. Petersburg against a group of Scientologists. Five leaders of the Church of Scientology of St. Petersburg – Ivan Matsitsky, Sakhib Aliev, Galina Shurinova, Anastasia Terentyeva and Konstantsiya Esaulkova – were charged under Article 171 Part 2 Paragraphs "a" and "b" of the Criminal Code ("Illegal enterprise"), Article 282 Part 2 Paragraph "c," of the Criminal Code ("Incitement of hatred") and Article 282¹ Parts 1 and 2 of the Criminal Code ("Organizing an extremist community and participating in it"). Aliev, in addition, was charged under Article 174¹ Part 4 of the Criminal Code ("Legalization (laundering) of monetary funds on a large scale"). Two of them, Matsitsky and Aliev, have remained in pre-trial detention since June 2017; the others are under house arrest. The charges of extremism are based on the assertion of the superiority of Scientology, contained in some of their literature, as well as on the internal rules of Scientologists governing the behavior of believers toward some of their compatriots categorized as "potential trouble source."

Restriction of Missionary Activity

Persecution of religious organizations for "illegal" missionary activities continued in accordance with the amendments of the Yarovaya-Ozerov package. According to the statistics cited by the Supreme Court of the Russian Federation, 42 legal entities and 105 individuals were prosecuted in the first six months of 2018 (data for the full year have not yet been published) under Article 5.26 of the Code of the Administrative Offenses ("violation of the requirements of legislation on freedom of conscience, freedom of religion and religious associations"). A fine was imposed as a punishment in almost all the cases, confiscation in four cases, community service in two cases, and deportation from the country and a warning – in one case each. The total fines in these cases amounted to 2 471 000 rubles over 6 months (some of them possibly were or will be appealed successfully).³ Of course, Article 5.26 includes some other offenses, formulated prior to the Yarovaya Package, but the law enforcement practice of using them has always been very small, and they have almost no effect on the statistics.

³ Report on the Work of Courts of General Jurisdiction in Administrative Cases // Judicial Department at the Supreme Court of the Russian Federation. 2018. 16 October (<http://www.cdep.ru/index.php?id=79&item=4758>).

As before, the “anti-missionary” amendments were most frequently applied to representatives of the Protestant churches and the new religious movements. However, we have started to see them being applied to members of “traditional” religious organizations as well. In Moscow, six Israeli citizens were fined for “illegal” missionary work for lighting their Hanukkah candles in the office of the Kabbalah Center. Muslim organizations were brought to justice for the “illegal” missionary work on several occasions. Their example illustrates the incompleteness of our data on the use of this repressive legislation, since many organizations prefer not to publicize the cases against them.

One of the most highly publicized cases was the prosecution for “illegal” missionary work against Zimbabwean Kudzai Nyamarebvu, a sixth-year student at the Nizhny Novgorod Medical Academy, who was fined twice. In January, the Sormovsky District Court of Nizhny Novgorod fined her 5,000 rubles under Article 18.8 part 2 of Code of Administrative Offenses (“Violation by a foreign citizen of the regime for staying in the Russian Federation expressed in non-compliance of the declared purpose of entering the Russian Federation with the activity or line of business actually carried out while staying in the Russian Federation”) for inviting her friends to a concert of African music in a Pentecostal church. The court also decided to have her deported from the country upon graduation. This decision was approved by the Nizhny Novgorod Regional Court. Then, in June, the Prioksky District Court of Nizhny Novgorod fined Kudzai Nyamarebvu once again, this time under Article 5.26 Part 5 (“Missionary activities in violation of the requirements of the legislation on freedom of conscience committed by a foreign citizen”), because she spoke about the prior court case in an interview. Since the interviewer called the student a “hero of faith,” the court found the interview to possess a “*hidden missionary nature*.”

In addition to Kudzai Nyamarebvu, several other African students in Nizhny Novgorod were charged with illegal missionary work. In particular, the same Sormovsky District Court fined another African student of the same medical academy, Nosisa Shiba, 7,000 rubles with deportation from Russia; however, given that she was finishing her last year of studies, her deportation was postponed until the end of her final examination. According to the court, the fact that the student, while in Russia on a student visa, sang at the service of the “Jesus Embassy” Evangelical (Pentecostal) Christian church, constituted an offense under Article 18.8 Part 4 of Code of Administrative Offenses.

Fines for “illegal” missionary work were often imposed for improper (in the opinion of the inspecting authorities and courts) signage at the entrance to the premises of a religious organization. For example, the head of the Mormon community in Taganrog was fined five thousand rubles under Article 5.26 Part 4 for holding the community meeting without a posted sign indicating the full

name of the organization. Meanwhile, the day before the meeting, the sign on the building was present and in compliance with the requirement. Having found the sign missing, the believers immediately posted a sheet of paper with the organization’s full name in its place and reported the theft to the police. The community leader himself was not at the meeting that day. Interestingly, the case was filed following the claim by a former police officer, who said that he had been accidentally passing by and had noticed the absence of a sign. He was brought in as a witness.

A rural Adventist community in the Shakhunsky District of the Nizhny Novgorod Region was fined 30 thousand rubles for the absence of a sign with the full name of the church on their prayer house. In this case, according to the believers, the sign had been switched following the police visit the day before.

A religious group of Baptists in the Petukhov district of the Kurgan Region was fined the same amount of 30 thousand rubles. The charges were based on the facts that their sign failed to mention the regional Association of Evangelical Christian Baptists, to which the group belongs, and also that the group had failed to notify the authorities of its existence. The prosecutors and the court considered these infractions to be an offense under Article 5.26 Part 3 of the Code of Administrative Offenses.

A Murmansk resident was fined under Part 4 of the same article for having published on his VKontakte page the *Vozrozhdenie* [Revival] Spiritual Center material.

In the Bryansk Region, Presbyterian Adventist Oleg Korban was fined under the same article. He was charged with having conducted his “illegal” missionary activity since 2008, despite the fact that the amendments, regulating such activities, were adopted only in 2016. In addition, he was fined under Article 19.7 of the Code of Administrative Offenses (“Failure to submit data”). It is worth noting that both cases were opened after addressing the complaint of an Orthodox resident of the town of Klinty regarding the behavior of her Adventist daughter. The claimant was outraged that Adventists forbade working on Saturday and made their followers pay the tithe; she demanded that Patriarch Kirill and Vladimir Putin “*set things straight and prohibit sectarians*.”

On several occasions believers were prosecuted under Article 20.2 Part 2 of the Code of Administrative Offenses (“Organizing or holding a public event without filing a notice of a public event in the prescribed manner”). For example, in Naberezhnye Chelny, the court fined the pastor of the *Vozrozhdenie* [Revival] Evangelical Christian Baptist Church 20 thousand rubles for holding the sacrament of baptism on the Kama river without notifying the authorities. Only believers of his church were present during the sacrament. Nevertheless, the pastor was brought to court in handcuffs and found guilty.

The Soviet District Court of Kazan fined Maxim Murashov, a follower of the Hare Krishna movement, 10,000 rubles under the same article for holding a procession. Interestingly, the organization filed the required notice on time. However, the court found that the participants of the procession performed a religious ceremony (singing mantras), whereas their notification indicated that they were going to conduct a “street chant with a procession accompanied by playing musical instruments and dancing.” The Supreme Court of Tatarstan upheld this decision.

Liquidation of religious organizations and denial of registration

We know of two religious organizations liquidated in 2018. A court terminated the activity of two branches of the *Orda* [Horde] organization – in Ufa and in the village of Abkazovo in Bashkiria – based on a prosecutorial claim. Both local organizations operated in residential buildings. This organization was previously banned in several regions, including Bashkortostan, because the methods of healing through communication with ancestral spirits, used by its followers, “*are detrimental to morality and health.*”

The parish of the Russian Orthodox Autonomous Church (ROAC) in Gatchina, which was denied registration several times, succeeded in getting the Town Court order for the Ministry of Justice to reconsider the registration documents of the parish. However, the court refused to recognize the denial of registration in the form of a letter signed by the department head of the Ministry of Justice as unlawful and refused to issue an order for the Ministry of Justice to register the parish.

Other forms of discrimination

Several clerics were expelled from Russia in the course of the year. The Supreme Court of the Russian Federation approved the decisions of the first and second instances to annul the residence permit of Josef Marozof, the chief rabbi of the Ulyanovsk Region, who, after 12 years in Russia, was accused by the FSB of conducting extremist activity.

The local unit of the Federal Migration Service (FMS) revoked the residence permit of chief rabbi of the Omsk region Osher Krichevsky, also on the basis of FSB materials. The rabbi failed in his attempts to challenge this decision. The Omsk Regional Court rejected his claim and declared the FMS decision

lawful; meanwhile, the reason for the revocation was never named in court. The Supreme Court of the Russian Federation upheld the deportation decision.

In November, the border service of the Sheremetyevo airport handed a notice of the ban on entry to Russia to Yevgeny Peresvetov – the pastor of the *Vosstanovlenie* [Restoration] Russian Christian Center and a Ukrainian citizen residing in Moscow. Administrative violations, given as the reason for the ban, included, among other issues, an allegedly unpaid fine for dirty car license plates. In February 2019, when the pastor attempted to appeal the decision to deny him entry, it was discovered that his name had been excluded from the database of persons banned from entering the Russian Federation. However, the FSB still decided to deport the pastor, whose family remains in Moscow.

The prosecution of religious organizations for violation of the law on personal data continued, although we know of significantly fewer cases than a year earlier. For example, the Primorsky District Court of Justice in Vladivostok fined the leaders of the Primorye Organization of the Center for Krishna Consciousness under Article 13.11 Part 2 of the Administrative Code (“Violating the procedure for collecting, keeping, using or disseminating information about citizens (personal data) established by law”). The charges were based on the fact that the copies of the passports of three members of the governing collegial body of the organization were kept on the premises since 2005. In addition, they were issued a warning under Article 19.7 of the Code of Administrative Offenses (“Failure to submit data”).

The Kuybyshevsky District Court of Omsk issued a suspended sentence of 3.5 years to Nikolai Kuznetsov, the pastor of *Vozrozhdenie XXI Vek* [Revival XXI Century] – religious group of Evangelical Christians in Omsk. Kuznetsov was sentenced under Article 239 Part 1 of the Criminal Code (“Creation of a religious or public association whose activity is fraught with the infliction of injury to citizens’ health”) and under Article 111 Part 3 Paragraph “b” (“Intentional infliction of a grave injury”). This is the first known case of applying this article to a religious organization. The charges were made on the basis of an expert opinion, which stated that the organization’s leadership used “psycho-technologies,” which had already led the believers to develop a dependent personality disorder, and that the believers’ continued presence in this church would lead to “*other mental disorders.*” As evidence of mental disorder among the parishioners, the experts cited, in particular, the testimony of the believers about the feeling of oneness with God. The investigation failed to reveal any other health hazards.

As in the preceding years, Muslims occasionally faced police pressure. Thus, a search, carried out with numerous violations, was conducted in the Adam Mosque in Yakhroma, the Moscow Region, on the basis of a court order authorizing the search of the building in order to find a certain person. The security personnel

entered the mosque without taking off their shoes, broke down the door to the imam's office and took outside everyone, who remained in the mosque after the morning prayer. Not only the mosque building but also the parishioners' cars were inspected. About 70 people were detained as the result of the search. In Lyantor of the Khanty-Mansiysk Autonomous District, as a result of a raid on several cafes and homes of believers, the National Guard forces detained about 50 Muslims and brought them to a police station. Many detainees complained of beatings.

As before, cases of non-state discrimination sometimes come to the surface. Professor Vyacheslav Baburin, the head of the Department of Economic and Social Geography of Russia at the Faculty of Geography in Moscow State University, refused to administer the geography exam to a student wearing a kippah. The professor suggested that the student take off his hat or leave the room. The student had to appeal to the dean's office and to have the exam administered by a different instructor. It should be noted that the MSU leadership condemned this incident, describing it as "*an absolutely special case, which has nothing to do with the policies of the Faculty and Moscow State University in general.*"⁴

The administration of the Aquarena sports complex did not allow 71-year-old resident of Kazan to use the swimming pool for wearing a burkini – a Muslim bathing suit.

The authorities of St. Petersburg State University has fired Professor Alexander Panchenko – an anthropologist, a religious scholar, and the head of the Sociology and Anthropology program at the St. Petersburg State University Faculty of Liberal Arts and Sciences. This happened after he wrote the religious studies part of the expert opinion in the case on recognizing brochures of the American Pentecostal preacher William Branham as extremist. It is worth noting that the court eventually also refused to recognize the works of the preacher as extremist.

Positive resolutions

Believers and religious organizations that faced discrimination were often able to defend their rights in court. Those accused of "illegal" missionary work had the greatest success rate. For example, the Altai Regional Court overturned the ruling of the Magistrate Court that fined Denis Chuprov, the head of the *Kraeugol'ny kamen'* [Cornerstone] Evangelical (Pentecostal) Christian Religious Group, five thousand rubles for participation in a charity event, where

⁴ The MSU recognized the right of students to wear "symbols of faith"// Interfax. 2018. 24 January (<http://www.interfax-russia.ru/Moscow/news.asp?id=903650&sec=1668>).

religious literature had been distributed without appropriate labeling. The Magistrate Court considered it an Administrative offense under Article 5.26 Part 4, despite the fact that Chuprov had not been present at the event.

The Mezhdurechensk city court of the Kemerovo region overturned a fine of five thousand rubles issued under the same article to Lyubov Koltyrina, the head of the *Zdorov'e* [Health] Club and a Falun Gong follower. The Magistrate Court regarded as illegal missionary activity the distribution of Falun Gong materials at the *Lepestok* [Petal] exhibitions organized by Koltyrina in Mezhdurechensk and Kameshek without notifying the authorities. The court of second instance dismissed the case, having concluded that Koltyrina's actions did not violate public order and constituted no public danger, and the activities carried out by her club did not constitute preaching of a religious creed.

The Ovchinnikovs, married owners of a yoga center in Orenburg, also succeeded in having their two fines rescinded. The fines of five thousand rubles each under Article 5.26 part 4 were imposed for allegedly acting as an unregistered religious group under the guise of a yoga center.

The Novokuybyshevsk City Court of the Samara Region overturned the decision of the Magistrate Court, which imposed a fine under the same article on a local Pentecostal who, during the church service, had spoken about his personal experience of overcoming drug addiction. His speech was then posted on YouTube.

Vladimir Zakharchuk from Voskresensk in the Moscow Region – the pastor of the *Slovo Zhizni* [Word of Life] Church of Christians of the Evangelical (Pentecostal) Faith – successfully challenged the ruling of the Magistrate Court, which fined him ten thousand rubles under Article 5.26 Part 1 of the Code of Administrative Offenses ("obstructing the exercise of the right to freedom of conscience or freedom of belief, including the adoption of religious or other beliefs, or refusal thereof, as well as obstructing the entry into a religious association or the exit therefrom"). The pastor's offense, according to the Magistrate court, consisted of allegedly coercing two people to convert to "his religion." As it turned out at the trial, these individuals were not present in the church on the day of the service. On the other hand, the service was attended by three law enforcement officers who disrupted the ceremony. The Voskresensk City Court overturned the decision regarding the fine.

The Frunzensky Borough Court of Vladivostok concluded that there was no corpus delicti in the actions of Julia Broslavskaya, charged under Article 20.2 Part 2 of the Administrative Code for organizing the Hare Krishna procession. The defense was able to prove that the procession had not required the authorities to take measures to ensure public order and security, and, therefore, there had been no need to notify the authorities. The case was terminated.

Meanwhile, the Magistrate Court of the Pervomaisky Justice District in the same city of Vladivostok found no corpus delicti in the case of the head of the Center of Societies for Krishna Consciousness in the Primorye Region, charged under Article 5.62 of the Code of Administrative Offenses (“discrimination”). The charges were based on the announcement “For followers of Vaishnavism teaching only” posted at the entrance. The case was also dismissed.

Sergei Solonko, the pastor of the *Vozrozhdenie* [Revival] Pentecostal Christian Center from Voronezh, managed to obtain the revocation of the warning issued to him under Article 19.7 of the Administrative Code (“Failure to submit data”) for creating a religious group in Borisoglebsk without notifying the Ministry of Justice. The court took into account the fact that S. Solonko had not created a group or carried out religious activities in Borisoglebsk, since he was a pastor in Voronezh. Despite the positive court decision, the administration of the aircraft factory in Voronezh, where the believer had worked for almost 30 years, forced him to resign.

In addition, the Novosibirsk Regional Court recognized the 2017 district court decision to annul the residence permit to Catholic priest Janez Andrej Sever as illegal and ordered the regional Department of the Ministry of Internal Affairs to reinstate the residence permit.

Protecting the Feelings of Believers

Top-down defense

Criminal prosecutions for insulting religious feelings continued, but were clearly not as active as in the preceding years.

In the course of the year, one sentence was pronounced under Article 148 of the Criminal Code (“Violation of the right to freedom of conscience and religion”). Anton Ushachev, a resident of Naberezhnye Chelny, was sentenced to 320 hours of community service under Part 1 of this article and under Article 214 Part 1 of the Criminal Code (“Vandalism”) for his insulting graffiti on the fence of the Borovetskaya Church of the Holy Ascension (ROC) and near the well-spring. Taking into account the fact that Ushachev had already spent more than six months in custody, the punishment was considered served.

Several cases under this article were discontinued. In Sochi, the case of Viktor Nochevnov, fined 50,000 rubles in 2017 under Article 148 Part 1 for sharing cartoon images of Christ on VKontakte, was terminated due to the expiration of the limitation period.

The case of an 18-year-old local resident, charged under the same article, was dismissed in Kurgan. The young man had published a photograph of himself

holding an inverted Orthodox icon, accompanied by an offensive comment; he has since repented, published an apology and made a donation to an Orthodox church.

Irkutsk anarchist Dmitry Litvin, charged under the same article for sharing anti-Christian memes on VKontakte, refused to have his case terminated due to expiration of the limitation period; he believes that the case should be terminated on exonerative grounds.

The law enforcement in Krasnodar dropped the case of Maxim Drozdov, charged under Article 282 Part 1 of the Criminal Code (“Incitement of enmity, as well as abasement of dignity”) initiated in connection with the publication of his satirical poem “The Heretic Woman.” The investigation found that the poem was ironic in character and contained no calls for any aggressive action against atheists.

Insulting religious feelings could also entail administrative responsibility. Severodvinsk resident Igor Markov was fined 15 thousand rubles under Article 5.26 part 2 of the Code of Administrative Offenses (“Deliberate public desecration of items of religious reverence”) for sharing atheist images. Daniil Sukachev, a resident of Novgorod, was fined 30,000 rubles under the same article for publishing a video of the Polish black metal band *Batushka* [Father, used to address a priest], whose concerts had provoked Orthodox protests several years earlier.

We view the majority of these prosecutions as inappropriate.

It is worth noting that the absurdity of most court cases on protecting religious feelings and the lack of proportionality between the punishment and the offense became apparent to representatives of the Russian Orthodox Church, whose congregation most of such cases aim to protect. In August, vice-chairman of the Synodal Department for Church’s Relations with Society and Mass Media Vakhtang Kipshidze called on all parties involved in such cases to discontinue them due to the reconciliation of the parties. He noted that repentance and regret on the part of those who committed the act of desecration should suffice for an Orthodox Christian. “*We call on investigators, judges and applicants who consider themselves Orthodox believers to ensure that the majority, and preferably all the court proceeding for insulting the feelings of believers, end specifically with the reconciliation of the parties,*”⁵ said V. Kipshidze.

⁵ The Russian Orthodox Church called on Orthodox judges to terminate cases on insulting the feelings of believers by reconciling the parties // “Moscow” City News Agency. 2018. 6 August (<https://www.mskagency.ru/materials/2806048>).

Defense from below

In contrast to the preceding year, social activists used exclusively peaceful forms of protest in defense of religious feelings. The surge of militant methods of protest, observed a year earlier, faded away with the end of theatrical run for *Matilda* (a feature film that caused outrage among the Orthodox Christians) and with the detention of the leaders of the *Khristianskoe gosudarstvo* [Christian State], a group that instigated and organized the militant actions.

However, Orthodox Christians were not the only ones complaining about insults to their religious feelings in 2018 – representatives of other religions did the same more frequently than before. For example, Russian Catholics were insulted by the “Flaming Gothic” performance, organized by artist Nikolai Polissky at the Nikola-Lenivets Art Park in the Kaluga Region during the Maslennitsa festival. Their indignation was caused by burning of a 30-meter-high structure made of twigs and brooms, which resembled a catholic church. However, the believers did not demand that the organizers of the performance face any sanctions. Muslims have repeatedly expressed their outrage in connection with the photo shoots they found offensive, which used mosques as a backdrop.

Usually, people, whose religious feelings were offended, merely declared their indignation publicly, but occasionally they went further and demanded that various authorities take action against the offenders. For example, a resident of Gorno-Altaysk complained to the State Duma about the fact that merchandise at a street market included bath brooms made from juniper, considered a sacred plant by the Altai people.

In most cases known to us, these complaints had no consequences. Even the complaint of the Orthodox residents of Petropavlovsk-Kamchatsky, supported by the Duma Deputy Natalya Poklonskaya, against the cartoon by artist Denis Lopatin, which depicted Poklonskaya holding a dildo in the shape of Nicholas II, proved impossible to build into a criminal case. The expert examination found no signs of incitement of hatred or insulting the feelings of believers in this image.

However, if a mass cultural event emerged as an irritant, its organizers often preferred to cancel or censor it in order to avoid dealing with objections from believers. Thus, the organizers of the “zombie parade,” which was planned in Perm in August, were forced to cancel the parade “*due to the heated situation*” after the unanimous protests from the Perm Diocese and the regional Spiritual Administration of the Muslims.

It is important to note that, in some cases, event organizers resorted to self-censorship even without waiting for the protests. The administrators of the Novosibirsk State University of Architecture and Design – which, in August, was hosting an event of the forum symbolically named “Novosibirsk Is a City

of Infinite Possibilities” – ordered the nude statues located in the foyer to be wrapped in cloth and secured with stationery clips as they were waiting for the visit of the Novosibirsk Diocese delegation. After the visit, the statues were, once again, “undressed.”

The director of the Rostov Musical Theater preferred to coordinate the operatic production of *Khovanshchina* with the local Orthodox metropolitan upfront. He explained his contact with the diocese by observing that “*the topic of religion in society has attracted increased attention recently.*”

Insufficient Protection against Defamation and Attacks

Violence and Vandalism

We know only one case of violence on religious grounds in 2018, (vs. three in 2017); a passenger in the Moscow metro stabbed the other with a knife after an argument about wearing a cross.

Apparently, the level of religious violence has indeed declined, but we should take into account the fact that, in the preceding years, Jehovah’s Witnesses had constituted a large segment of the victims. After the ban of their central and local organizations and the subsequent wave of criminal cases, Jehovah’s Witnesses lost their ability to regularly keep track of and publish the statistics on the attacks. Moreover, Witnesses now almost never conduct their door-to-door missions or missionary pickets, so there are fewer opportunities for attacks against them. However, we cannot rule out the possibility that such attacks did occur.

The same applies to information about acts of vandalism motivated by religion. We do not know a single case of attacks against the sites of new religious movements. At the same time, according to the representative of the European Association of Jehovah’s Witnesses Yaroslav Sivulsky, at least 27 acts of vandalism against Jehovah’s Witnesses sites took place since the ban of the organizations and as of April 2018.⁶ Probably, some of these acts of vandalism took place in 2018, but we have no further details. In addition, most potential targets of such vandalism were confiscated by the authorities.

In general, the situation with vandalism on religious grounds did not change compared to 2017. Sites and objects pertaining to Orthodox Christianity were

⁶ A Year Ago, the Russian Authorities Declared Jehovah’s Witnesses Extremists // Voice of America. 2018. 19 April.

attacked by vandals at least 11 times (same as in the preceding year). Three of these acts of vandalism affected prayer crosses. The crosses in Arkhangelsk and Crimea were cut down (this was the second time this particular act of vandalism took place in Arkhangelsk). In the Stavropol Region, vandals drew a swastika and several pagan runes on a cross after toppling it. In at least four cases, vandals attempted to set fire to Orthodox objects. The icon of Nicholas the Wonderworker on a well-spring was set on fire in Pervouralsk of the Sverdlovsk Region; two churches and a Sunday school in Moscow and an 18th century wooden church in Kondopoga were set on fire as well. In addition, a church in Petrozavodsk had its windows broken, a cemetery church in the Skopin of the Ryazan Region was covered with “cynical graffiti,” and crosses were toppled on three graves of Orthodox clerics. In the Ship Grove of Pervouralsk, a cornerstone at the church construction site was attacked by vandals twice in the course of one week. In the latter case, vandalism evidently resulted from a conflict over the construction that was opposed by local residents.

We recorded two acts of vandalism against Protestant sites (same number as in 2017) and two acts against Jewish sites (vs. one in 2017). An intoxicated resident of Nizhnevartovsk urinated on a cross and smashed the streetlights on the grounds of the *Slovo zhizni* [Word of Life] Pentecostal Church, which had been attacked several times on prior occasions. During the arrest, the perpetrator referred to the parishioners as “Satanists” and promised that he “*would not stop here.*” In St. Petersburg, vandals damaged a sign on a Christian literature bookstore.

In the Smolensk Region, vandals left anti-Semitic inscriptions on the wall of a Jewish cemetery in the village of Lyubavichi, the burial place for the founders of the Chabad movement in Russia. In addition, several wooden tombstones burned down on the Jewish cemetery in Voronezh, presumably due to arson.

At least one case of vandalism against a Muslim site was recorded the fence of a mosque in Crimea was covered with the Nazi graffiti.

Defamatory Materials about Religious Minorities

Similarly to the preceding years, federal and regional media often published defamatory materials about religious organizations; Protestant churches and new religious movements continued to be the most frequent targets. Such publications were possibly slightly less numerous than in 2017, when the ban on Jehovah’s Witnesses organizations provoked a wave of “anti-sectarian” publications, but federal TV channels still broadcasted such materials regularly.

Specifically, “anti-sectarian” reports appeared on the Russia-1 and NTV channels. Russia-1 included them in the regional and federal versions of its

Vesti news show. The news segment from Astrakhan in February covered the picket of an unnamed “Astrakhan Volunteer Movement” in front of the building occupied by Baptist Initiativist (supporters of the Council of Churches of Evangelical Christian Baptists) community. Like most similar materials, the segment included offensive statements and baseless accusations against believers. In particular, they were accused of “*non-recognition of laws*” – the show’s interpretation of their refusal to serve in the army, obtain state registration or participate in elections.

Another episode of *Vesti*, aired on Federal television in November in prime time, focused on Jehovah’s Witnesses and also contained insults and baseless accusations. The authors of the report called the fact of religious persecution into question and portrayed the mass flight of Jehovah’s Witnesses from Russia in search of refuge as a desire to “*get Euro-aid and lead their beheaded flock*” from abroad.

A similar item on the NTV *Chrezvychainoe Proisshestvie* [Emergency Event] show was dedicated to the case of Omsk pastor Nikolai Kuznetsov, convicted of intentionally causing serious harm to mental health (see above). The story repeated a lot of “anti-sectarian” clichés, and had “sectologist” Alexander Dvorkin on air as an expert.

Occasionally, religious organizations tried to challenge defamatory publications or at least get them publicly denounced. For example, the Moscow Church of Scientology appealed to the Public Collegium on Press Complaints with a complaint against *Shpionazh pod Vidom Religii* [Espionage Disguised as Religion] – a documentary, shown in 2017 on Zvezda TV channel, which, using the Scientologists and Jehovah’s Witnesses as examples, “proved,” that “*many representatives of religious minorities, which are de facto sects, are tightly connected with the US intelligence agencies.*” The Collegium concluded that the documentary violated a number of basic journalistic principles, noted the authors’ disrespect for religious minorities and recognized the show as propaganda aimed at creating a negative image of religious minorities.

As for the grassroots fighters against the “sects,” their activity remained just as low as in the preceding year. The only reported “anti-sectarian” action is the above-mentioned “volunteer movement” picket against the Baptist Initiative followers in Astrakhan.

Crime and Punishment Statistics

Data as of February 18, 2019

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

	2005		2006		2007		2008		2009		2010	
K – killed, B – Beaten, wounded	K	B	K	B	K	B	K	B	K	B	K	B
Total***	49	419	66	522	94	625	116	501	94	443	44	421
Dark-skinned people	3	38	2	32	0	34	2	26	2	59	1	28
People from Central Asia	18	35	17	60	36	95	57	133	40	92	20	86
People from the Caucasus	12	52	15	72	27	77	22	71	18	78	5	45
People from the Middle East and North Africa	1	22	0	11	1	22	0	15	0	2	0	2
From other countries of Asia	4	58	4	52	9	76	9	40	14	37	3	19
Other people of “non-Slav appearance”	3	72	4	69	9	67	13	57	9	62	7	104
Members of subcultures, anti-fascists and leftists	3	121	3	119	8	174	3	103	5	77	3	67
Homeless *	-	-	-	-	1	3	4	1	4	0	1	3
Ethnic Russians *	-	-	-	-	0	22	3	12	0	7	1	8
Jews *	-	-	-	-	0	9	0	6	0	3	0	3
Religious groups *	-	-	-	-	0	9	0	6	1	2	0	22
LGBT *	-	-	-	-	0	7	1	6	0	0	0	3
Others or not known	5	21	21	107	3	30	2	25	1	24	3	31

* Were included into Others before 2007. ** The data is still far from complete.

*** This table reflects not the “actual identity” of victims, but rather the identity given to them by the attackers. This table does not include victims of mass clashes, victims in Republics of North Caucasus and victims in Crimea prior to 2016.

Данные за 2004 год см. в предыдущих докладах.

2011		2012		2013		2014		2015		2016		2017		2018**	
K	B	K	B	K	B	K	B	K	B	K	B	K	B	K	B
27	213	20	196	24	206	36	135	12	96	12	89	9	69	4	53
1	19	0	26	0	7	0	15	0	6	1	0	1	0	0	1
10	38	8	38	15	62	14	30	5	7	4	24	0	11	2	3
8	18	4	15	3	28	3	14	0	8	2	1	0	4	0	0
0	5	0	2	0	1	0	6	1	3	0	0	0	0	0	0
0	15	0	5	0	7	1	5	0	2	1	4	0	3	0	3
1	26	1	15	0	32	2	8	0	10	1	8	0	7	0	7
1	40	1	57	0	7	0	16	0	17	0	15	3	19	0	14
3	3	6	2	2	3	13	1	3	8	2	1	4	1	1	13
1	9	0	5	0	3	0	5	0	0	0	4	0	2	0	0
1	2	0	0	0	2	0	1	2	1	0	3	0	0	0	0
0	24	0	10	0	21	2	13	0	18	0	21	0	3	0	1
0	3	0	12	2	25	0	9	0	9	1	4	0	11	1	5
1	11	0	9	2	8	1	12	1	7	0	4	1	8	0	6

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 2017-19 – 0.

Guilty Verdicts for “Crimes of an Extremist Nature”

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

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

* This refers to participation in an “extremist community” or an “organization, banned for extremism,” or to ‘Hizb ut-Tahrir’ members sentenced by art.205.5 of Criminal Code.

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

** The data is still far from complete.

*** Since 2018 we use category ‘undetermined’ in a broader sense.

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

Year	Number of convictions			
	against persons	against property	Public incitement	Participation in a group*
2004	9/0/0	-***	3/0/0	3/2/0
2005	17/0/0	-	12/1/0	2/4/8
2006	33/0/0	-	17/2/0	3/1/3
2007	23/0/0	3/0/0	30/1/1	2/0/8
2008	36/0/0	6/0/0	49/2/1	3/0/4
2009	52/0/1	10/0/0	58/3/0	5/12/2
2010	91/0/0	12/0/1	76/8/3	9/7/6
2011	62/1/3	9/0/0	76/6/1	12/7/7
2012	32/2/2	6/0/0	91/3/1	4/8/2
2013	32/1/0	8/0/0	133/7/9	7/8/6
2014	22/0/4	4/0/0	154/4/5	6/8/10
2015	24/1/0	9/1/0	205/14/8	10/15/3
2016	19/2/0	5/1/0	201/17/8	6/21/2
2017**	10/0/0	4/0/1	215/16/18	4/26/1
2018**	13/1/1	2/0/0	56/6/127	3/25/1

Year	Number of offenders convicted and punished			
	against persons	against property	Public incitement	Participation in a group*
2004	26/0/0	-	3/0/0	3/2/0
2005	56/0/0	-	15/2/0	2/18/19
2006	109/0/0	-	20/2/0	15/1/3
2007	65/0/0	5/0/0	41/0/5	4/0/27
2008	110/0/0	7/0/0	70/3/0	10/0/14
2009	130/0/2	19/0/0	77/4/0	9/25/2
2010	297/0/0	21/0/1	87/9/5	34/7/14
2011	194/4/7	15/0/0	84/7/1	26/12/19
2012	68/4/3	7/0/0	96/10/1	7/22/10
2013	55/1/0	10/0/0	126/7/10	8/16/11
2014	47/0/6	6/0/0	153/4/7	14/21/22
2015	58/1/0	14/1/0	206/15/8	24/43/6
2016***	42/2/0	4/1/0	220/20/8	19/39/0
2017	24/0/0	5/0/1	232/18/19	6/71/0
2018	43/1/6	6/0/0/	65/7/127	6/76/1

Year	Convicted offenders who received suspended sentences or were released from punishment			
	against persons	against property	Public incitement	Participation in a group*
2004	5/0/0	-	2/0/0	9/0/0
2005	5/0/0	-	6/0/0	17/0/0
2006	24/0/0	-	7/1/0	33/0/0
2007	18/0/0	2/0/0	12/0/0	23/0/6
2008	21/0/0	6/0/0	27/3/0	36/0/0
2009	35/0/1	8/0/0	35/1/0	52/0/1
2010	120/0/0	5/0/1	38/5/4	91/0/0
2011	75/4/1	4/0/0	34/2/1	62/1/3
2012	11/0/2	1/0/0	21/5/0	32/2/2
2013	15/0/0	1/0/0	17/3/3	32/1/0
2014	7/0/1	0/0/0	16/2/0	22/0/4
2015	12/0/0	2/0/0	42/5/3	7/1/0
2016***	5/0/0	0/1/0	97/4/3	13/1/0
2017	1/0/0	0/0/0	116/7/7	4/6/0
2018	11/0/0	0/0/0	25/2/74	1/1/0