

Minorities Under Siege

Hate Crimes and Intolerance in the Russian Federation

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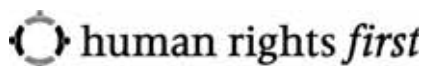
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About Us

Human Rights First is a leading human rights advocacy organization based in New York City and Washington, DC. Since 1978, we have worked in the United States and abroad to create a secure and humane world – advancing justice, human dignity, and respect for the rule of law. All of our activities are supported by private contributions. We accept no government funds.

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Executive Summary

There has been no respite for Russia's minorities in the past year from violent attacks motivated by bias, with any given week marred by serious assaults or racist murders. Although no official statistics are available, a leading Russian nongovernmental monitor of hate crimes documented 31 racist murders in 2005 and hate-based attacks on 413 individuals, while estimating that the real number of violent attacks is far higher. In the first four months of 2006, attacks appeared to escalate with 15 racist murders and hate-based attacks on 114 individuals. In April 2006 alone at least nine people were victims of racist murders. One nine-year-old girl suffered multiple stab wounds but survived.

Those who are vulnerable to hate crimes include both foreigners and Russia nationals with a "non-Slavic" appearance. Non-Slavic people from the Russian Federation's republics in the Caucasus who are Russian citizens are as much targets of racist violence as are recent immigrants from the now independent republics of the former Soviet Union.

Particularly high levels of racist violence are directed toward people from the Caucasus, in part in response to the war in Chechnya and associated terrorist attacks in Russian towns and cities. Attacks motivated by racism sometimes have an overlay of religious hatred and intolerance: most people from the Caucasus are Muslims or of non-Orthodox Christian faiths. At the same time, reporting of attacks on people from these areas probably remains the least comprehensive, as these victims also tend to fear police abuse or arrest and are least likely to report racist attacks.

Attacks on the Jewish community build on deeply rooted antisemitism that has found new voices, while

Russia's scattered Roma – sometimes known as gypsies – face violent attacks as part of longstanding patterns of discrimination and social marginalization by both the state and civil society. People of African origin have been the object of persistent and serious attacks, with African students in particular subject to everyday threats of violence. In addition to "visible" minorities, identified through their skin color, culture, or language, bias crimes target members of religions that are considered "non-traditional," from Jehovah's Witnesses to Baptists, Roman Catholics, and Hare Krishnas. Those whose minority status is due to their sexual orientation also have become targets of bias-based violence.

Victims of hate crimes have likewise included those who are taking action against racism and intolerance. Human rights and anti-racism campaigners, including young people who speak out against racism through music and groups that call themselves anti-Fascist, have engaged in growing protests against extremist violence and are increasingly themselves the victims.

The perpetrators are drawn typically from ordinary citizens who are receptive to a pervasive message of hatred and fear of those who do not fit an ethnic Russian, Orthodox Christian ideal. Tens of thousands of mostly young people have been mobilized in a loosely organized movement of "skinheads" united by extreme nationalist ideology, sometimes in frank imitation of Germany's National Socialists. Whereas in the past skinheads were an important factor only in the larger cities, they are now often present in smaller cities and towns, and they also have become increasingly bold in their public presence. A recent eyewitness account told of a group of some 30 skinheads marching

in formation through a central Moscow metro station shouting racist slogans. Such accounts are no longer a rarity.

The violence is being perpetrated in an atmosphere in which the xenophobic and racist discourse is not limited to extremist groups, but has extended into the mainstream through political parties and the media. Such discourse is increasingly a part of mainstream politics – as evidenced by the racist campaign rhetoric in last year’s Moscow *Duma* (Parliament) election, which led to the barring of one political party from the election race. Xenophobic statements by political leaders and media coverage have an influence on public opinion by exacerbating preexisting fears and prejudices and a recent survey shows high levels of xenophobic sentiment in the population at large.

Russian laws today provide a basis for the investigation and prosecution of crimes motivated by racial, ethnic, or religious bias. The Russian Criminal Code contains a general penalty enhancement provision for “the commission of crimes with a motive of national, racial, religious hate or enmity...” Several other articles of the Code provide specific enhanced punishments for particular crimes committed with these motivations. Russian law also contains provisions to punish incitement to hatred.

Yet, despite the generally sound legal basis with which to address racist violence, those responsible for these crimes operate with relative impunity. Criminal laws to punish hate crimes do not appear to be systematically applied and bias motivations figure in prosecutions only in a fraction of such cases. Although prosecutions for the most serious crimes have increased in number, racist assaults are still often prosecuted as acts of “hooliganism” and many violent attacks causing injury fall outside of the criminal justice system altogether.

Separate laws on combating extremism define “extremism” broadly, but have not been used effectively to counter the many extreme nationalist or neo-Nazi groups that openly espouse and engage in racist violence. Anti-extremism laws have, in contrast, been misused to target human rights advocates critical of the government who speak out against intolerance.

No official statistics on the incidence of hate crimes and their prosecution are systematically collected and regularly reported. The continued absence of detailed and systematic monitoring and statistical reporting on hate crimes, including data distinguishing the groups targeted for violence, seriously limits the capacity of policy makers to understand the true nature of the problem and make corresponding policy decisions. It likewise hinders a better understanding of the weak-

nesses of the criminal justice system as concerns the prosecution of hate crimes.

Nongovernmental organizations within Russia have somewhat compensated with their own collection of data on hate crimes. While they acknowledge that their coverage is limited in scope and no substitute for government collection and reporting, they coincide in reporting a steady increase in recent years in the level of discriminatory violence.

Although several official bodies address the issue of hate crimes in some way, there is no specialized anti-discrimination body in Russia with a specific mandate to monitor and report on hate crimes. A result is an inadequate response by the Russian authorities to the growing problem of racist violence. Government officials have on occasion publicly spoken out against racist violence in general, and on individual cases of hate crimes, but with little apparent follow-through. Just as often, officials have sought to downplay the scale of the problem.

Overall, the message coming from Russia’s civil society leaders is that the official reaction to hate-motivated crimes and what these crimes reveal about the plight of Russia’s minorities has been both intermittent and largely muted, falling far short of the visible, concrete, concerted action needed to combat racist violence and related hate crimes.

A comprehensive approach to the problem of racist violence is sorely needed. President Putin should appoint a special commission with the mandate to undertake a comprehensive investigation of the problem of racist violence and related intolerance in Russia. Political leaders should react immediately in public statements to crimes of racist violence and other violent bias crimes. Russia’s criminal justice authorities should undertake to more systematically implement the laws in place dealing with hate crimes and should take steps to establish a system for the monitoring and collection of statistics on hate crimes and their prosecution and for the regular publication of this data. Finally, the Russian authorities should also provide a mandate and appropriate resources to an official anti-discrimination body, in line with Council of Europe recommendations, to drive the policy measures required in the longer-term to combat hate crimes.

Recommendations

In order to address the problem of racist violence in Russia, Human Rights First urges the respective Russian authorities to implement the following recommendations:

To President Vladimir Putin

- Appoint a special commission or personal representative with the mandate to undertake a comprehensive investigation of the problem of racist violence and related intolerance in Russia, the findings of which should be made public within one year, and to propose a plan for combating such violence and intolerance at the national and local level.

To Russian political leaders and legislators:

- React immediately in public statements to crimes of racist violence and other violent bias crimes, affirming that such acts will not be tolerated and following up to ensure that appropriate action is taken by law enforcement officials to take into account bias motivations in the investigation and prosecution of the crimes.
- Respond to public statements by public officials at any level of government and by political leaders that incite racist violence and other bias crime by publicly condemning such statements.
- Amend provisions of the Criminal Code defining crimes of violence and immediate threats of violence to include specific enhanced penalties for such crimes when bias motivation is an aggravating factor. Adoption of the proposal voiced at a May 16, 2006 round table of the Committee of the

State Duma on Security to amend article 213 (Hooliganism) to include punishment enhancements for such acts when committed with a racist or other discriminatory motive would be a positive step in this regard.

- Narrow the definition of “extremist activity” to ensure that it is not overly broad and to ensure that it not be applicable to suppress the legitimate exercise of the rights of freedom of expression, and assembly as guaranteed under international human rights norms. Such an amendment process could be undertaken in the course of the review of legislation on combating extremism recently undertaken by the Committee of the Russian State Duma on Civil, Criminal, Arbitrage and Procedural Legislation.
- Instruct all public prosecutors on the necessity of a firm and dissuasive response directed in cases of racist offences and other bias crimes, to include seeking enhanced penalties for such offences to the full extent provided by law.
- Instruct prosecutors to issue regular and public reports on the outcomes of cases of racist violence and other bias crimes.
- Establish a system for the monitoring and collection of statistics on hate crimes and their prosecution and for the regular publication of this data. Statistics should provide data disaggregated to distinguish the target group or groups affected.
- Provide a mandate and appropriate resources to an official anti-discrimination body in line with Council of Europe recommendations. This body

should provide oversight over the monitoring and reporting of hate crimes in combating this violence through the criminal justice system. Such a body must be mandated to work closely with the Ministry of the Interior and the General Prosecutors Office and other bodies concerned with the registration, investigation, and prosecution of hate crimes, but which currently do not regularly or systematically publish statistics or other detailed information on such crimes.

To Russian criminal justice officials:

- Undertake a more systematic application of Article 63 of the Criminal Code, a general provision for penalty enhancement for bias crimes, in those cases of violent crimes in which there is evidence of a bias motivation, but which are being prosecuted on the basis of other articles in the code that do not expressly provide for enhanced penalties in cases of bias motivation.
- Undertake to systematically implement articles of the Criminal Code (articles 105, 111, 112, 117, 244), which contain express provisions to punish violent crimes motivated by hate.
- Take steps to increase confidence in the prosecution of hate crimes by pro-actively and periodically informing the public as to progress in the investigations of such crimes.
- Take steps to increase confidence in minority communities by demonstrating a willingness to work more closely with their leaders and community-based organizations in the reporting and registration of hate crimes and on measures to provide equal protection for all under the law.

I. Introduction

There has been no respite in the past year for Russia's minorities from violent attacks motivated by bias, with any given week marred by serious assaults or racist murders. Although no official statistics are available, a leading Russian nongovernmental monitor of hate crimes documented 31 racist murders in 2005 and hate-based attacks on 413 individuals, while estimating that the real number of violent attacks is much higher. Those responsible for these crimes operate with relative impunity: although prosecutions for the most serious crimes have increased in number, racist assaults are still often prosecuted as acts of "hooliganism" and many violent attacks causing injury fall outside of the criminal justice system altogether. The perpetrators are drawn typically from ordinary citizens who are receptive to a pervasive message of hatred and fear of those who do not fit an ethnic Russian, Orthodox Christian ideal. Tens of thousands of mostly young people have been mobilized in a loosely organized movement united by extreme nationalist ideology, sometimes in frank imitation of Germany's National Socialists. A proliferating movement of youth generically known as "skinheads" has gained adherents as reports of openly neo-Nazi groups boldly marching through the city streets are no longer a rarity. Xenophobic discourse is increasingly a part of mainstream politics – as evidenced by the racist campaign rhetoric in last year's Moscow Duma election.

A wave of attacks on Russia's minorities and anti-racism activists, including dozens of murders, has increasingly brought the hate crimes issue into the public spotlight. In April 2006 alone at least nine people were victims of racist murders. One nine-year-old girl suffered multiple stab wounds but survived.¹

In Russia's "northern capital" of St. Petersburg demonstrators took to the streets in April 2006 to express their dismay and to demand a more vigorous government response following the murder of an African student – the latest in a string of bias-motivated attacks there. Likewise, verdicts in several high-profile court cases also resonated with some sectors of the Russian public. A jury on March 22, 2006 acquitted of murder the principal suspect in the killing of nine-year old Khursheda Sultonova, who was attacked because she was an ethnic Tajik; he and others charged were convicted instead of "hooliganism." On March 27, 2006,

a judge found Alexander Kopstev guilty of attempted murder "with a motive of national, racial, religious hatred" for having attacked and stabbed members of the congregation in a Moscow synagogue on January 11, 2006, and sentenced him to a 13-year prison term.

The conflict in Chechnya has served to create a climate of hostility toward people of Caucasian origin living in many parts of Russia as well as those seeking to defend the rights of Chechens. Although the level of attacks against people from the Caucasus appears to have subsided from that witnessed in the immediate aftermath of the September 2004 hostage crisis and killings of schoolchildren in Beslan, the continued instability in the northern Caucasus, and the continuing threat of terrorism in northern cities like Moscow, still contributes to discriminatory violence against people from that region.

People from the Caucasus, as well as other minorities and immigrants, are targeted for both their ethnicity or national origin and their religion. Amidst a backdrop of xenophobic and racist rhetoric from political parties, regional leaders, and the media, skinhead and other extremist groups have carried out vicious attacks against Russia's minorities and foreign visitors, often with impunity. Synagogues, mosques, and Protestant churches have been damaged by arsonists and vandals, and Jewish, Muslim, and Armenian cemeteries have been desecrated.

In the first few months of 2006, dozens of attacks were carried out against a wide range of Russian nationals and immigrants, with people from the Caucasus and Central Asia, Roma, Jews, gays and lesbians, and foreign students from around the world killed or injured. Foreign diplomats, journalists, and tourists have also been victims of racist attacks. African students are among the "visible" minorities most vulnerable, but others distinguished by their skin color, their place of worship, their language, or their cultural practices are similarly under constant threat. Members of Russia's Central Asian minorities and nationals of Asian countries have also been increasingly targets of violence.

The official government response has been weak and ineffectual. Criminal justice officials have prosecuted the perpetrators of hate crimes in only a small minority of cases, often for hooliganism rather than as hate crimes under provisions in Russia's Criminal Code that establish these as more serious crimes requiring enhanced penalties.

At the same time, nongovernmental organizations (NGOs) – especially those that speak out against human rights abuses and seek to protect the rights of Russia's minorities – are under increased scrutiny under new legislation regulating and restricting the activities of civil society associations. Charges under laws intended to combat anti-extremist activities have been brought to silence human rights and other organizations critical of the authorities and to further weaken the nongovernmental sector.

Internationally, Russia's deteriorating human rights record – including the government's crackdown on NGOs and its seeming inability to stem the tide of discriminatory violence – has been in the spotlight in connection with Russia's current presidency of the Group of Eight nations and its hosting the G-8 Summit in St. Petersburg in July 2006. While few have called for a boycott of the meeting on human rights grounds, a range of domestic and international critics of the Putin government have called for a re-evaluation of Russia's membership in the G-8 due to its slide into increasing authoritarianism.²

II. The Framework of Criminal and Civil Law to Address Hate Crimes

The Russian Criminal Code contains a general penalty enhancement provision for “the commission of crimes with a motive of national, racial, religious hate or enmity...” Several other articles of the Code provide specific enhanced punishments for particular crimes committed with these motivations. Russian law also contains provisions to punish incitement to hatred and extremist activity. Hate crime laws do not extend, however, to crimes motivated by animus on the basis of the victim’s sexual orientation, or mental and physical disabilities. Despite some improvements in the past year in their implementation, the criminal laws do not appear to be systematically applied and bias motivations figure in the prosecution only in a fraction of such cases. Separate laws on combating extremism define “extremism” broadly, but have not been used effectively to counter the many extreme nationalist or neo-Nazi groups that openly espouse and engage in racist violence. Anti-extremism laws have, in contrast, been misused to target non-violent human rights advocates critical of the government. Civil law does not provide an effective means of redress for discriminatory treatment, such as compensation for physical injuries, property damage, or emotional distress caused by hate crimes.

The Russian Criminal Code, adopted in 1996 and amended in 2002, provides a legal framework for the prosecution of hate crimes, with a general provision for enhanced penalties when crimes are committed “with a motive of national, racial, religious hate or enmity...” (article 63) The article punishing incitement extends further, to bias founded upon “sex, race, nationality, language, origin, relationship to religion as well as the affiliation to any social group.” Russian laws do not make express reference to animus on the basis of the victim’s sexual orientation, or mental and physical disabilities, as factors to be taken into account in sentencing. No prominent cases involving hate crimes of this kind have emerged in recent years that have tested the reach of the laws on this point.

In the past year, there have been a number of high-profile hate crimes that have generated considerable attention in the Russian and international press. These

included the murders of foreign students, a nine-year old girl, and an anti-racism activist – as well as the January 2006 knife attack on worshippers in a Moscow synagogue. Independent human rights activists and organizations have closely followed the investigation and prosecution of these cases, some of which are highlighted below. However, the vast majority of hate crimes generate limited press attention or official information, making the independent monitoring of the investigation and prosecution of most such cases difficult.

Criminal Code Provisions on Violent Crime with Qualifying Bias Motives

Article 63 of the Criminal Code is a general sentencing provision that identifies aggravating circumstances that

give rise to more serious penalties, including under part (1)(f) “a motive of national, racial, religious hate or enmity...” in the commission of crimes. It does not set out the scope of these enhanced penalties. While article 63 would appear to provide a basis for enhanced penalties for bias attacks charged as common crime, including hooliganism (article 213 of the Code), a charge often brought for common assault, there is no evidence that prosecutors regularly seek or that courts hand down enhanced penalties under this part of article 63.

In one rare case – the October 2005 murder of a Peruvian student in the city of Voronezh – article 63 was cited in the charges.

On October 9, 2005, in Voronezh, Enrique Hurtado, a Peruvian student, and two students from Spain, were attacked by a group of 15 to 20 youths who beat them with metal poles and wooden stakes. Hurtado died as a result of his wounds and the two others suffered various injuries. Thirteen young men have been charged – one with murder motivated by “national, racial, religious hatred or enmity” and with hooliganism; three with robbery and with hooliganism; the others with hooliganism. Article 63(1)(f) has been cited in the charges. The court hearings began on March 9, 2006.³

Other provisions of the Criminal Code provide for more severe, specific penalties when bias motivation is shown in particular crimes. Article 105 punishes murder with incarceration for from six to fifteen years. Article 105(2)(k) defines murder “with a motive of national, racial, religious hatred or enmity” as punishable “by incarceration for eight to twelve years, or by a life term of incarceration or by the death penalty.”

A 13-year prison sentence for attempted murder, with a citation to article 105(2)(k), was recently handed down in the case of the January 2006 Moscow synagogue stabbings.

On January 11, 2006, Alexander Koptsev entered a Moscow synagogue shouting antisemitic epithets and attacked worshippers during evening prayer, leaving eight people seriously injured. He was subsequently detained and charged with attempted murder with a motive of national, racial, religious hatred or enmity (articles 30(3) together with 105(2)(a) and (k)), deliberate infliction of grievous bodily harm (article 111), and with inciting hatred (article 282). On March 27, 2006, a judge found Koptsev guilty of the first two charges, but acquitted him of inciting hatred. He was sentenced to 13 years in prison.⁴

Hate crimes also include attacks on those who speak out for the victims of racist violence and religious intolerance, with two murders in St. Petersburg having

had particular resonance. The June 2004 murder of Nikolai Girenko, Russia’s leading expert on ethnology and an expert witness in hate crimes cases, is still unresolved. In contrast, the November 2005 stabbing death of Timur Kacharava, a young man whose anti-racist activism took the form of music and non-violent protest, has led to arrests with charges pending. In both cases, the attacks appeared to be in direct retaliation for the victims’ efforts to expose and confront racist violence: Girenko through his work within the criminal justice system, and Kacharava through his anti-racist activism. In light of an increasing number of attacks against critics of racist violence carried out by members of extreme nationalist and neo-Nazi groups, it is important that prosecutors take into account that attacks in retaliation for work to oppose racism and discrimination are also hate crimes motivated by racist and other discriminatory animus.

On June 19, 2004, Nikolai Girenko, a prominent ethnologist and expert on extremism and racist incitement in Russia, was shot dead at the door of his St. Petersburg apartment. Girenko was the head of the Minority Rights Commission at the St. Petersburg Scientific Union and had been called on as an expert in numerous court cases involving extremist groups. St. Petersburg authorities originally maintained that Girenko’s killing may have been an act of “ordinary hooliganism,” although it is widely believed that he was murdered in retaliation for his work. The governor of St. Petersburg said at the time that she had taken personal control of the investigation and that a significant number of law enforcement officers were deployed in the investigation immediately following the murder, yet for nearly two years nobody was arrested or charged. In late May 2006, police arrested five persons in connection with the April 2006 murder of African student Lampsar Samba. The St. Petersburg chief prosecutor Sergei Zaitsev said that these five are being investigated in connection with a number of high profile racist assaults, including Girenko’s murder.⁵

On November 13, 2005, 20-year old student, musician, and anti-racist activist Timur Kacharava was attacked by a group of some ten young people and stabbed five times in the neck. He died shortly thereafter. A companion was also stabbed and seriously wounded. Kacharava was well known for his activism and took part in a number of actions aimed at combating xenophobia in Russia as well as support for the homeless. It is widely believed that he was targeted for this work. The St. Petersburg prosecutor’s office initially acknowledged that the murder was possibly motivated by Kacharava’s active involvement in activity to oppose the racist violence of neo-Nazi groups.⁶ The preliminary charges brought in December 2005 against

those detained in connection with his murder were under article 105(2)(a)(g) and (i) – murder by a group with a motive of hooliganism. The investigation is still underway and the case is expected to go to trial later in 2006.⁷

Other provisions of the Criminal Code that could be applied to violent hate crimes but are rarely cited by prosecutors include article 111 (Deliberate infliction of grievous bodily harm), article 112 (Deliberate infliction of moderate bodily harm), and article 117 (Torture), defined as “the causing of physical or psychological suffering through systematic beatings or other violent actions...” Higher penalties are established for each of these crimes when committed “with a motive of national, racial, religious hatred or enmity.”⁸

The Criminal Code also provides in article 244 for more severe punishment for the desecration of cemeteries when motivated by racist or religious animus. While desecration of human remains or places of burial without the aggravating factor can be punished with up to three months imprisonment, prosecution as a hate crime can result in up to three years imprisonment.⁹ No available data on the application of these norms is available.

Russian NGOs have reported that prosecutions under the special hate crimes provisions of the Criminal Code are on the rise, but still remain all too infrequent. There appears to be a strong tendency among law enforcement officers to downplay any bias motives of a crime, although this approach appears to be changing slowly. Proper training in dealing with racist violence could contribute to a more systematic application of hate crimes legislation. In its Third Report on the Russian Federation, the European Commission against Racism and Intolerance (ECRI) “recommends that the Russian authorities considerably strengthen their efforts to train police, prosecutors, judges, and judicial candidates on issues pertaining to the implementation of legislation concerning racist offenses.”¹⁰

Other articles of the Criminal Code that deal with violent acts, such as article 115 (Deliberate infliction of mild bodily harm), article 116 (Assault), article 119 (Threatening murder or the deliberate infliction of grievous bodily harm), article 212 (Mass disturbances), and article 213 (Hooliganism), do not include express provisions to punish discriminatory bias as an aggravating circumstance. In practice, however, such bias has been an element of such crimes.¹¹

Prosecutors often bring charges of hooliganism, defined in article 213 as the “gross violation of social order, expressed in clear disrespect for society, committed with the use of weapons or objects used as weapons,” when arrests are made after racist attacks

perpetrated by skinheads and members of other extremist groups. Some articles on violent assault, including murder, contain clauses dealing with “a motive of hooliganism,” which is also commonly cited by prosecutors in such cases. However, unlike the Criminal Code provisions for the more serious crimes of murder or actual bodily harm, article 213 does not include a clause to enhance the punishment if an act of hooliganism is motivated by “national, racial, religious hatred or enmity.”

There is a general perception by Russian human rights monitors and other sectors of the public that charges of hooliganism are routinely pressed by prosecution authorities as an alternative to more serious charges even when more serious bodily harm occurs. The March 2006 case of the murder of nine-year old Khursheda Sultonova was a recent such example.

On February 9, 2004, Yusuf Sultonov, an ethnic Tajik, was returning home following a walk with his nine-year old daughter, Khursheda, and his nephew, Alabir. They were attacked by a group of teenagers armed with knives and shouting “Russia for Russians.” Khursheda died shortly after the attack, having received 11 knife wounds. In connection with this attack, eight young men, four of them minors, were detained and charged with hooliganism (article 213). One of the eight was charged additionally with murder motivated by ethnic hatred (article 105(2)(k)). On March 22, 2006, a jury found seven of the defendants guilty of the hooliganism charges. The defendant charged with murder, who was among those found guilty of hooliganism, was acquitted of the murder charge. He was sentenced for hooliganism to a prison term of 5.5 years (the maximum for acts of hooliganism committed by a group being 7 years). The other defendants were sentenced to prison terms of between 18 months and 3 years. The prosecution has filed an appeal.¹²

The verdict in the trial of the killers of Khursheda Sultonov did not reflect the racist nature of the attack, nor did prosecutors request higher penalties under article 63(1)(f) that would have reflected the exceptional nature of the crime. The application of article 63 in this case would have accomplished both of those goals.

Criminal Code Article 282 – Incitement

Article 282. Inciting hatred or enmity, as well as demeaning human dignity

1. Actions, designed to incite hate or enmity as well as demean the dignity of a person or group of persons on the

basis of sex, race, nationality, language, origin, relationship to religion as well as the affiliation to any social group, committed publicly or with the use of the mass media – are punishable by a fine in the amount of one hundred to three hundred thousand rubles or in the amount of the salary or other income of the perpetrator of one to two years, or in the loss of the right to occupy certain positions or engage in certain activities for a period of up to three years, or by mandatory work for a period of up to one hundred eighty hours, or by corrective work for a period up to one year, or by incarceration for a period of up to two years.

2. The same actions, committed:

- a. with the use of violence or with the threat to use it
- b. by a person using his/her official position
- c. by an organized group

are punishable by a fine in the amount of one hundred to five hundred thousand rubles or in the amount of a salary or other income of the perpetrator for the period of one to three years, or by the loss of right to occupy certain positions or engage in certain activities for a period of up to five years or by mandatory work for the period of one hundred twenty to two hundred forty hours, or by corrective labor for a period of one to two years, or by incarceration for a period of up to five years.

Although article 282(2), on incitement, has been invoked in the prosecution of violent crimes motivated by hatred, this provision is more generally associated with “hate propaganda,” such as verbal and written attacks in publications or in public statements. In some recent cases, charges have been brought under article 282(2) that might more appropriately have been prosecuted under Criminal Code provisions dealing with common crimes of violence with a bias motivation.

In December 2005, two St. Petersburg courts handed down sentences against members of neo-Nazi groups, Schultz-88 and Mad Crowd.

Ending a trial which lasted over two years, on December 9, 2005 a St. Petersburg court sentenced Dmitry Bobrov, the leader of a neo-Nazi group called Schultz-88, to six years imprisonment for violation of several articles of the Criminal Code, including article 282 on inciting hatred with the use of violence. Three other members of the group were given three-year suspended sentences and one person, a minor, was acquitted. Their crimes included attacks on a McDonald’s restaurant, an assault on an Azeri man, an attack on two Chinese students, and two attacks against ethnic Armenians.¹³ A few days later, on December 14, another St. Petersburg court sentenced five members of a neo-Nazi group calling itself Mad Crowd to sentences ranging from one year suspended to three

years imprisonment for violation of article 282 on incitement. They were tried in connection with assaulting citizens of Armenia, Azerbaijan, and China in 2003.¹⁴

Incitement laws are applied infrequently as a tool to combat the regular stream of spoken and written attacks against Russia’s minorities.¹⁵ When charges have been initiated, investigations have often been long – in some cases so long that they then have to be dropped due to a two-year statute of limitations – and penalties handed down have generally been either suspended sentences or minor punishments. Administrative sanctions – through the issuance of warnings that can eventually lead to the closure of extremist organizations or publications – were pursued by prosecutors and government bodies in about a dozen cases in 2005.¹⁶

More often than not, however, no action is taken by prosecutors – or by political leaders in the form of condemnation – to stem the tide of verbal threats and physical attacks. Many prosecutors and law enforcement officials may have little appreciation for the larger societal importance of investigating and prosecuting hate crimes and related incitement as such, in the absence of firm and consistent signals to do so from the country’s political leaders. Strong direction is required from the highest levels if police and prosecutors are to combat hate crimes as a priority using the laws in place, and if law enforcement officials are to be provided the resources they need to do so. In its Third Report on the Russian Federation, ECRI recommends that the Russian authorities “undertake special efforts to improve the methods of recording, classifying, investigating and prosecuting complaints of racist offense” and “monitor the implementation of criminal law provisions aimed at combating racist offenses in a more thorough and detailed manner.”¹⁷

Despite apparent foot-dragging in addressing organized extreme nationalist and neo-Nazi violence, prosecutors have found the “political will” to move forward with incitement charges against a number of well-known non-violent critics of government human rights policies and practices. Ironically, a well-known independent human rights leader associated with the Andrei Sakharov Museum and Public Center in Moscow was among the relatively few prosecuted under the criminal law provision punishing incitement to religious, ethnic, or racial intolerance.

On March 28, 2005, a Moscow judge found Sakharov Museum director Yuri Samodurov and Ludmila Vasilovskaya, organizers of an exhibition there entitled “Caution, religion!” guilty of inciting religious hatred under article 282(2). They were each sentenced to pay

a fine of 100,000 Russian rubles. Anna Mikhailchuk, an artist whose work was exhibited in the show, was acquitted. Prosecutors had asked that Samadurov be sentenced to three years imprisonment and that Vasilovskaya and Mikhailchuk be sentenced to two years imprisonment.¹⁸ Lawyers for the defendants have appealed to the European Court of Human Rights in Strasbourg. The charges were brought after a group of young men dressed in black, acolytes from the Russian Orthodox Church of St. Nicholas in Pyzhi, attacked the exhibit on January 18, 2003, destroying art works and painting slogans charging blasphemy on the part of the exhibitors. The show included painting and other art examining – and parodying – the intersection of religion with commercial interests, corruption, politics, and popular culture. A Moscow court declined to proceed with charges of hooliganism brought against the attackers on the grounds that the exhibition had provoked their actions. The Sakharov Museum is a major human rights forum and has previously been criticized for such events as exhibitions concerning the human cost of the conflict in Chechnya.

Organizations that have undertaken monitoring and reporting of human rights abuses related to the conflict in Chechnya have also been targeted under criminal law articles punishing incitement of religious, ethnic, or racial hatred. They include the head of the Russian-Chechen Friendship Society (RCFS), who was prosecuted for articles published in the organization's newspaper.

On February 3, 2006, a court in Nizhny Novgorod found Stanislav Dmitrievsky, the managing director of the Russian-Chechen Friendship Society (RCFS) and editor of the newspaper *Pravozaschita* (Human Rights Defense), guilty of violating article 282(2)(b). He was sentenced to four years probation and given a two-year suspended prison sentence. He also faces potential additional restrictions that could limit his ability to change his place of residence, move within Russia, or leave the country during this time. Furthermore, under the law regulating NGOs in force since January 10, 2006, Dmitrievsky will no longer be allowed to manage the activities of the RCFS or to serve as editor-in-chief of *Pravozaschita*. On April 11, 2006 a higher court rejected his appeal. The criminal case, begun in September 2005, was based on two articles published in *Pravozaschita* in early 2004. The first was written by now-deceased separatist leader Aslan Maskhadov who, in the article, appealed to the European Parliament to classify the conflict in Chechnya as "genocide." The second was written by Akhmed Zakaev who encouraged the Russian public not to vote for President Putin during his re-election campaign.

Prominent Russian and international human rights organizations regard the prosecution as politically motivated and consider that the verdict against Dmitrievsky is unlawful and aimed at suppressing freedom of speech in Russia.¹⁹

The verdicts in both of these cases have been challenged by local and international human rights groups and by Russia's official human rights institutions. On January 31, 2006, Vladimir Lukin, the Russian Human Rights Ombudsman, and Ella Pamfilova, the head of the Presidential Council on Developing Civil Society Institutions and Human Rights, sent a joint letter to the General Prosecutor, the Chairman of the Supreme Court and the Minister of Justice criticizing the use of counter-extremism legislation in the Sakharov Museum and RCFS cases.²⁰

Related Laws on Combating Extremism

A new Law on Countering Extremism went into effect in August 2002. It defines "extremist activity" broadly to include violent actions against the state; any actions aimed at inciting national, racial, religious and social enmity in connection with violence or threats of violence; humiliation of national dignity; vandalism and mass disorders; propaganda of the exclusivity, superiority or inferiority of people on the ground of their social, racial, religious, national and linguistic group; propaganda and public demonstration of Nazi or similar symbols. The courts can suspend broadcasts or the distribution of printed materials by those facing charges of extremism during legal proceedings, and the Ministry of the Interior is required to maintain a list of banned materials. Under this law, nongovernmental organizations can also be suspended without a court decision and both NGOs and media outlets can be closed with relative ease.

Human rights defenders have criticized the 2002 law on the grounds that the broad definition of extremism could be applied at the discretion of prosecutors to restrict the actions of many lawful and nonviolent organizations, including the human rights organizations that take the lead in reporting on situations of racist and extremist violence – and even to shut them down entirely.

On the basis of an alleged violation of the Law on Countering Extremist Activities, the Moscow prosecutor's office issued a warning against the human rights organization Memorial on February 26, 2006. Memorial had posted on its website the analysis by an Islamic religious leader of four brochures of the banned Islamic

organization Hizb-ut Tahrir. Memorial had commissioned the analysis in connection with its monitoring of dozens of criminal cases in which persons were accused of keeping, studying, or distributing materials of the Hizb-ut Tahrir. Memorial had noted that no religious expertise was drawn upon in any of the trials and thus commissioned a study of the brochures in question by a recognized expert. The study found that there was nothing in the brochures which incited violence or hatred.²¹

In July 2004, the prosecutor's office in Ingushetia brought a civil action against the Chechen Committee for National Salvation (CCNS) for violating the law "On Countering Extremist Activities." The primary goal of the organization is to distribute information about the human rights situation in the context of the second Chechen war, which began in 1999. Since then, the organization has put out a number of press releases and statements that describe serious human rights abuses committed by Russian government forces in the region. On October 25, the Nazran court found that CCNS had not violated the law and dismissed the case against the organization. The prosecutor's office appealed to the Supreme Court of Ingushetia. On February 10, the Supreme Court overturned the lower court's decision. On April 27, 2005, the CCNS was scheduled to begin a new set of hearings at the Nazran court. Following a series of postponements, the case was to go to trial on April 11, 2006.²²

In January 2006, the Committee of the Russian State Duma on Civil, Criminal, Arbitrage and Procedural Legislation, chaired by Pavel Krashenninnikov, proposed changes and amendments to the 2002 Law on Countering Extremist Activities. Although it is still early in the legislative process to reach any definitive conclusions on this effort, independent experts have noted that the draft proposals do not address the main shortcoming in the law, namely the broad definition of "extremism." The draft proposals largely seek to toughen some of the sanctions, a move which has been criticized by independent experts on the grounds that the law in its current form has been used infrequently and few of the sentences handed down resulted in the maximum possible punishments.²³

On May 16, the Committee of the State Duma on Security conducted a roundtable regarding legislation on countering extremism. Some participants echoed the need to toughen punishments for extremist activity. Also discussed was a proposal to amend article 213 (Hooliganism) to include increased penalties for acts of hooliganism committed with a racist motive – an initiative that could, if implemented, provide an important new tool to combat violent bias crimes in Russia.²⁴

III. Transparent Systems of Monitoring and Statistical Reporting

No official statistics are systematically collected and regularly reported on the incidence of hate crimes and their prosecution. The continued absence of detailed and systematic monitoring and statistical reporting on hate crimes, including data distinguishing the groups targeted for violence, seriously limits the capacity of policy makers to understand the true nature of the problem and make corresponding policy decisions. Nongovernmental organizations which have worked to fill this statistical void have reported a steady increase in recent years in the level of discriminatory violence.

Official Monitoring and Statistical Reporting

The Russian Ministry of the Interior publishes yearly figures on crimes in the Russian Federation, although there is no separate reporting on crimes carried out with a bias or hate motivation or disaggregated data on particular crimes in order to distinguish victims from different population groups. The Ministry of the Interior's annual report for 2005 does include a category on crimes "of an extremist nature," and reports 152 such crimes, although it does not specify its criteria for this or the specific crimes categorized under that general heading.²⁵

The Ministry of the Interior also reports on crimes committed against "foreign citizens and persons without citizenship." In 2005, there were 13,307 such crimes, a 29 percent increase over 2004.²⁶ This figure covers all crimes against this sector of the population, not only hate crimes, although the victims of hate crimes often come from among this category of persons. In October 2002, the Prosecutor General told the Russian State Duma that "every year in Russia about 7,000 crimes

are committed against foreigners," but also noted that "not every crime against a foreigner should be considered bias-motivated."²⁷ Crimes or incidents affecting distinct minorities, both nationals and non-citizens, are not differentiated in the official statistics currently available.

Russia has provided some crime statistics in its reporting to the United Nations Committee on the Elimination of All Forms of Racial Discrimination (CERD).²⁸ Russia was most recently on the agenda of CERD in 2003 in the regular sequence of reporting required under the treaty, and is expected to report again later this year.

The Presidential Council on Developing Civil Society Institutions and Human Rights has also reported, albeit infrequently and irregularly, on cases of hate crimes in which charges have been brought. The head of the Presidential Council, Ella Pamfilova, has spoken forcefully about the need for an improved response to the challenge of racist violence and related intolerance, including a review of attitudes in government agencies. In a televised interview in October 2005, Pamfilova supported improved legislation, but said that "most

important is to change the attitude on the part of law enforcement agencies.” The Prosecutor General’s Office, she added, “should step up its work and give a principled assessment of the actions of their colleagues in police and other law enforcement agencies.”²⁹

In April 2004, the then-Presidential Council on Human Rights, at that time also under Pamfilova’s leadership, expressed concern over racist violence and discrimination and made a series of concrete proposals for change. The Council had noted some progress toward prosecutions of hate crimes, but urged legislative and policy initiatives including:

- New legislation in the State Duma to facilitate prosecution of crimes committed on racist grounds;
- Requirements that all racist crimes be carefully investigated;
- Publicity concerning the investigation of racist crimes in the mass media;
- Harsh measures against political leaders and officials at every level “who make statements that incite ethnic and religious intolerance;”
- The creation of “public advisory councils under the Ministry of the Interior departments at all levels to draft an integrated position of the police and society with regard to public demonstrations of racism;”
- Enforcement of requirements that local prosecutors’ offices carry out the instructions of the Prosecutor General to establish contacts with local human rights organizations (requirements “which have been virtually ignored to date”); and
- The development and implementation of educational programs to enhance tolerance.

But there has been little apparent progress toward the adoption of these measures. The continued absence of detailed and systematic monitoring and statistical reporting on hate crimes, including data distinguishing the groups targeted for violence, echoes the lack of a concerted political response to these crimes. It denies the public and policy makers needed information and hinders a better understanding of the weaknesses of the criminal justice system in the prosecution of hate crimes.

In March 2005, at a meeting with one of Russia’s two chief rabbis, Berl Lazar, President Vladimir Putin declared his resolve to fight antisemitism, and appeared to acknowledge the importance of monitoring and reporting in the fight against all forms of discriminatory violence. According to the semi-official news agency Itar-Tass, President Putin affirmed that the government “will always keep track of the fight against

antisemitism and the manifestations of other extreme trends – extremism and xenophobia – including the manifestation of chauvinism and anti-Russian sentiments.”³⁰

An effort by the Ministry of the Interior or other official bodies to collect and regularly publish statistics on hate crimes registered within the criminal justice system would constitute an important step forward. Such statistics would remain incomplete, however, as long as the violent bias incidents that could be prosecuted themselves remain underreported by victims and underregistered by the police.

Anecdotal evidence strongly suggests that victims of hate crimes from among vulnerable minorities are often reluctant to report an attack for fear that they may suffer further at the hands of law enforcement officials or out of a feeling that the attack will not be treated seriously or properly investigated. Victims who may lack residency permits – or identity papers as Russian citizens – may be especially reluctant to risk facing problems by taking their case to the police. There may also be reluctance on the part of law enforcement officials to register crimes reported to them or to record the elements of bias in complaints. The registration of crimes in which the victim believes there is a bias motivation – even those which don’t lead to an investigation – is important for the sake of statistics collection which, if kept and reported properly, could serve to alert the authorities to worrying trends in the frequency of hate crimes.

The inadequacy of the police response to complaints of bias crimes is in part a consequence of a lack of appreciation among many law enforcement officials for the importance of treating hate crimes as particularly serious crimes. A further obstacle to the registration of complaints and effective investigation is often the bias on the part of law enforcement personnel themselves toward a particular minority group.

Police discrimination and violence against people from the Caucasus, Roma, and other minorities – which has been the subject of numerous human rights reports by local and international groups alike – is a backdrop to the racist violence perpetrated by ordinary Russian citizens. A recent study of the Open Society Institute and JURIX, *Ethnic Profiling in the Moscow Metro*, found that “persons of non-Slavic appearance made up only 4.6% of the riders of the Metro system, but 50.9% of persons stopped by the police at Metro exits. In other words, non-Slavs were, on average, 21.8 times more likely to be stopped than Slavs. At one station, non-Slavs were 85 times more likely than Slavs to be stopped by the police.” The study concludes that “this disproportion is massive and cannot be explained on

non-discriminatory, legitimate law enforcement grounds.”³¹

Nongovernmental Monitoring and Statistical Reporting

The SOVA Center for Information and Analysis, a Moscow-based nongovernmental organization that monitors hate crimes in Russia, documented 31 racist murders and hate-based attacks on 413 individuals in 2005. This compares with 46 murders and 256 overall victims documented by the organization using the same criteria in 2004. In the first four months of 2006, the organization has documented 15 racist murders and hate-based attacks on 114 individuals.³² The Moscow Bureau for Human Rights, which also monitors hate crimes, as part of an E.U.-funded anti-discrimination project, put the figure for hate-motivated murder at 25 for 2005, compared with 40 for 2004.³³

Although there may have been a leveling off of the recorded numbers of violent hate crimes between 2004 and 2005, the overall trend has been a general increase in the incidence of such crimes. Because these figures come largely from a tabulation of press reports and analysis by local sources, the actual number of hate crimes is likely to be much higher. The SOVA Center has also monitored and reported on prosecutions in cases of violent crime. It found just four guilty verdicts reported with a bias motive in 2003, eight in 2004, and 16 in 2005. The 16 guilty verdicts in 2005 led to sentences of about 60 defendants.³⁴

IV. Official Anti-Discrimination Bodies

Although several official bodies address the issue of hate crimes in some way, there is no specialized anti-discrimination body in Russia with a specific mandate to monitor and report on hate crimes or to drive policy measures required to combat such crimes. The result is an insufficient policy reaction of the Russian authorities to the growing problem of racist violence

All Council of Europe members are encouraged to establish specialized anti-discrimination bodies in line with the European Commission against Racism and Intolerance's (ECRI) General Policy Recommendation No. 2, adopted in June 1997, and No. 7, adopted in December 2002. The 1997 recommendation calls on members states to consider "setting up a specialized body to combat racism, xenophobia, antisemitism and intolerance at the national level if such a body does not already exist." These bodies are to be tasked with providing assistance to victims and mandated by law with investigative powers, the right to initiate and participate in court proceedings monitor legislation, and provide advice to legislative and executive authorities, as well as to raise awareness of issues concerning racism and racial discrimination.

ECRI's General Policy Recommendation No. 7, on national legislation to combat racism, reaffirms the recommendation for an effective specialized anti-discrimination body in every member state:

The law should provide for the establishment of an independent specialized body to combat racial discrimination at a national level. The law should include within the competence of such a body: assistance to victims; investigation powers; the right to initiate, and participate in court proceedings; monitoring legislation and advice to legislative and executive authorities; awareness raising of issues of racism and racial

discrimination among society and promotion of policies and practices to ensure equal treatment.

Although there are institutions in Russia that perform some of the functions outlined in these recommendations, no specialized anti-discrimination body exists that meets these Council of Europe standards.

Two agencies have some oversight on matters of human rights, including hate crimes: the Office of the Ombudsman for Human Rights, headed by Vladimir Lukin; and the Presidential Council for Developing Civil Society Institutions and Human Rights (replacing the Presidential Council on Human Rights in 2004), headed by Ella Pamfilova. As noted in the Russian Federation's most recent report to the CERD three years ago, federal laws provide the Ombudsman with the right to review investigations and cases, request documentation, and issue queries. Laws also protect the Ombudsman from interference with his work or from outside influences on his positions. The Ombudsman's authority, however, is limited to a largely advisory function: the Prosecutor's Office and the Ministry of the Interior are responsible for investigating and prosecuting all crimes.

Both Lukin and Pamfilova have spoken out on hate crimes and political extremism. As noted above, on January 31, 2006 they sent a joint letter to the Prosecutor General, the Chairman of the Supreme Court, and

the Minister of Justice in which they expressed their concern over the ineffective implementation of the laws intended to combat extremism. The letter outlined a number of concerns and criticisms, including:

- Threats directed at minorities as well as against judges and officials by nationalist groups are published openly and generally go without punishment.
- Law enforcement officials more often than not do not open investigations when public figures and officials incite ethnic, racial, or religious hatred, including when media outlets are involved.
- Even in those cases where investigations into cases of incitement are opened, the two-year statute of limitations often expires before action can be taken. In about half the cases which do go to trial and sentencing, conditional punishments are handed down; these often fail to stop those convicted from continuing their work.
- Laws have been interpreted broadly and used against civic activists and journalists, as in the cases (cited above) against the organizers of the Sakharov Museum's "Caution, Religion" exhibit and against Stanislav Dmitrievsky, editor of the newspaper *Pravozaschita* (Human Rights Defense).³⁵

Although limited in its coverage of discriminatory violence, the 2005 report of the Russian Ombudsman notes the "sharp leap" in the number of incidents of hate crimes, citing St. Petersburg and Voronezh as the two leading cities in this regard, with ten and nine serious attacks, respectively, on foreign citizens in the first ten months of 2005. The report further calls attention to the absence of timely reactions on the part of law enforcement officials to extremist violence and the general tolerance by local authorities of well-known extremist organizations and publications of a "nationalist and Fascist" nature.³⁶

Earlier, in a June 2005 statement at an international conference of ombudsmen, Lukin warned of the threat of "aggressive intolerance" in Russia, "on the part of certain representatives of the majority." He described a longstanding situation of official indifference as an important part of the problem:³⁷

We should reproach federal authorities, and sometimes regional and local authorities, but primarily [officials of the] judicial and prosecution systems, [who] have been trying to ignore these incidents for a long time, pretending that they are ordinary hooliganism and they are not connected in any way with the problem of ethnic extremism. It is absolutely wrong to close our eyes to this. President [Vladimir] Putin was right when he said there is nothing stupider and more ignorant than the slogan 'Russia for Russians.' ... This is a slogan

for civil war and the extermination of many people, including Russians.

Pamfilova reportedly acknowledged in a televised interview that a part of the reason for the prevalence of racism was racism within the government establishment. In a program on racist violence by presenter Nikolay Svanidze, broadcast on October 14, 2005, Pamfilova did not reject a suggestion that officials in law enforcement provided protection for the skinhead movement.³⁸

As for protectors in high places, I do not know about that for certain but I suspect that much. I know that many people who hold such views are guiding the skinheads while at the same time staying in the background themselves. They occupy different posts, perhaps not very high ones, in law-enforcement agencies. There are such people there and they often do cover up such crimes. I think that such people work in all law enforcement agencies.

Meanwhile, efforts to combat these trends through awareness and training have foundered. In 2001, the government launched a federal program on "forming an attitude of tolerance and preventing extremism in Russian society," which was to have trained specialists and introduced schools-based tolerance education. Although the program was reportedly only in its initial stage in 2004, when surveyed by the Towards a Civil Society Foundation, it was suspended in June of that year, when the government ceased financing the program. It was reportedly the only federally-funded social program to be closed down that year. Initially established as a five-year program, its termination came in the face of a growing need for institutional measures on a national scale to combat discrimination. In an interview with *Novaya Gazeta*, Ella Pamfilova contended that the program was eliminated out of "bureaucratic carelessness" and that "a mistake had been made which must be corrected."³⁹ ECRI, in its 2005 Third Report on the Russian Federation, expressed its deep regret that the program had been abandoned and called upon the Russian authorities to reconsider this decision.⁴⁰

V. Hate Crimes and the Public

Russia's hate crimes victims come from the full spectrum of non-Slavic ethnic groups living in Russia, as well as religious minorities and people distinguished by their sexual orientation. Those who speak out against racism and discrimination, whatever their own ethnicity or religious identity, may also be targets of racist and xenophobic violence. The xenophobic and racist discourse is not limited to extremist groups, but has instead extended into the mainstream through political parties and the media. Government officials have publicly spoken out against xenophobia and extremist violence, and on individual cases of hate crimes, but with little apparent follow-through.

Hate Crime Victims

Those who are vulnerable to hate crimes include both foreigners and Russian nationals with a “non-Slavic” appearance. Non-Slavic people from the Russian Federation's republics in the Caucasus who are Russian citizens are as much targets of racist violence as are recent immigrants from the now independent republics of the former Soviet Union.

Particularly high levels of racist violence are directed toward people from the Caucasus, in part in response to the war in Chechnya and associated terrorist attacks in Russian towns and cities. Attacks on the Jewish community build on deeply rooted antisemitism that has found new voices, while Russia's scattered Roma – sometimes known as gypsies – face violent attacks as part of longstanding patterns of discrimination and social marginalization by both the state and civil society. In addition to “visible” minorities, identified through their skin color, culture, or language, bias crimes target members of religions that are considered “non-traditional,” from Jehovah's Witnesses to Baptists, Roman Catholics, and Hare Krishnas. Those whose minority status is due to their sexual orientation also have become targets of bias-based violence.

Victims of hate crimes have likewise included those who are taking action against racism and intolerance. Human rights and anti-racism campaigners, including young people who speak out against racism through music and groups that call themselves anti-Fascist, have engaged in growing protests against extremist violence and are increasingly themselves the victims. These crimes are properly viewed as bias-driven when the victim is targeted because he or she is a member of an advocacy group supporting the rights of a minority group, even if the victim is not a member of the targeted racial, religious, sexual-orientation, or other similar group.

People of the Caucasus and Central Asia

People from the Caucasus and Central Asia – both Russian citizens and foreigners – are possibly the group suffering the highest number of racist attacks. At the same time, reporting of attacks on migrants from these areas and others who have not established Russian nationality probably remains the least comprehensive, as these victims also tend to fear police abuse or arrest and are least likely to report racist attacks. The attacks come in an environment in which discrimi-

nation against non-Slavic Russian citizens is openly advocated.

Members of these ethnic minorities who are Russian citizens are in practice often treated as illegal aliens in their own land. The use of residence permits to regulate internal movement within the Russian Federation, a heritage of the Soviet *propiska* (registration) system, has nominally been outlawed, but continues to be employed to bar free movement to Russia's minority citizens. Although everyone is free to choose their place of residence, all persons living in Russia are required to register with the local police. As ECRI reports in its Third Report on the Russian Federation, police have been known to hinder ethnic minorities in obtaining such registration, without which a wide range of public services – such as insurance, health protection and medical aid – have in practice been denied.⁴¹

Meanwhile, nationalist leaders and regional political officials have frequently espoused ethnic-Russian supremacist views, calling for non-Slavic Russian citizens as well as immigrants to be excluded from Russian cities. These political party leaders and public officials have frequently carried xenophobic and racist sentiments to mainstream audiences. For example, the governor of the Krasnodar region, Alexander Tkachev, has regularly made statements to the press such as claims that “tight-knit ethnic groups are taking over local markets, getting young people hooked on drugs and luring them into crime” and that human rights groups “defend the rights of everything and everyone, except for the right of Russian people to be the masters of their own land.”⁴² Even more extreme was his 2002 statement as reported by *Moscow News*: “Think about it: there are more than a million Armenians in our region... As well as Meskhet-Turks, Kurds, Roma, Tajiks, Yezidi, Georgians... They will all take over soon. We'll increase the fine for the absence of a residence permit to 6,000 rubles. We are going to watch who befriends whom and how their last names end. Last names ending in “yan,” “dze,” “shvili,” or “ogli” are illegal, just as are those who bear those names.”⁴³

Vladimir Zhironovsky, the head of the Liberal Democratic Party (LDPR), has developed an international reputation for his ethnic Russian chauvinism and has made antisemitic and racist statements over his long political career. His party has used various anti-immigrant and racist slogans in its campaigns, most recently in the fall 2005 campaign for the Moscow *Duma*, where one LDPR campaign sticker declared “Close Moscow off to immigrants from the south. We are for a city with a Russian face. Illegals have no place in the capital!”⁴⁴

The LDPR was not the only party, however, to use the “ethnic card” as a campaign tool in those elections. The right-wing party *Rodina* (Motherland), the most popular in Moscow after the pro-Putin *Yedinaya Rossiya* (United Russia), broadcast a television campaign advertisement in October 2005 showing dark-skinned men from the Caucasus insulting a passing Slavic woman with a baby by throwing watermelon rinds on the ground. The accompanying slogan to “clear the city of garbage” left little doubt that the “dark-skinned” minorities living in Moscow are the “garbage” in question. Ironically, it was the LDPR that filed an incitement complaint over the television spot with a Moscow court. The result was the first instance in which a party was barred from an election for “inciting ethnic hatred,” although political commentators observed that other parties with comparable campaigns were not similarly challenged.

People of Chechen origin or from elsewhere in the Caucasus are under particular threat of violence. Attacks motivated by racism sometimes have an overlay of religious hatred and intolerance: most people from the Caucasus are Muslims or of non-Orthodox Christian faiths. Sometimes the overlay of prejudice founded on race or national origin and religion is expressed through attacks on symbols of faith, including attacks on mosques.

A Muslim place of worship was attacked in Sergiyev Posad, in Moscow Oblast, on October 14, 2005 and local Muslim leader Arsan Sadriyev was reportedly severely beaten. According to a statement by the Council of Muftis of Russia, “a group of skinheads armed with reinforcement bars and spades broke into a prayer house and assaulted its visitors, shouting ‘Russia for Russians’ and ‘There is no place for Muslims in Russia.’” The Interfax press agency quoted local law enforcement officials who said the incident “has no relation to extremism or skinheads,” and that the attack was carried out by two drunken men in a simple case of disorderly conduct.⁴⁵

Similar attacks were reported throughout 2005. In August, in an incident reportedly being investigated by police as hooliganism, anti-Muslim slogans were daubed on a mosque in Penza and a window was broken.⁴⁶ In September, skinheads in Nizhny Novgorod harassed local Muslims who had gathered to commemorate the victims of the Beslan terrorist attack on the one-year anniversary of the attack. They chanted “Beat the Muslims, Save Russia!” and “Russia for Russians!” The Tauba mosque in Nizhny Novgorod was painted with swastikas in January.⁴⁷ In December, a mosque was burned in Syktyvkar, in northern Russia.⁴⁸

Ethnic Armenians were also targeted. On July 29, 2005 vandals reportedly toppled 29 gravestones in the cemetery of Verkhny Yurt, Krasnodar, most of them marking graves of ethnic Armenians.⁴⁹ On November 13, 2005 a Molotov cocktail was reportedly thrown at the Armenian Cultural Center in Pyatigorsk, Sebastopol, which adjoins an Armenian church.⁵⁰ Fourteen headstones were desecrated in a December 6, 2005 incident in the Armenian section of a cemetery in Nadezhda.⁵¹

Market traders from the northern Caucasus and from former Soviet republics have been attacked in northern cities in rampages by large groups of violent assailants that have many of the characteristics of a pogrom. On August 2, 2005, a day on which Russia's Airborne Forces are honored, three incidents were reported in which veterans of these elite forces attacked market traders believed to be from the Caucasus.⁵² Also in August, the local branch of the human rights organization Memorial reported two attacks within a single week on men from the Caucasus in an open air market in Syktyvkar.⁵³

People from the Caucasus are seemingly vulnerable to attack at almost any time or place. On September 6, 2005, Liza Umarova, a well-known Chechen singer, and her 14-year-old son Murad, were attacked by four youths and severely beaten while subjected to racist verbal abuse.⁵⁴ Other attacks were more lethal. On just one December night in Moscow in December 2005, assailants in separate incidents beat and stabbed to death a man from the southern republic of Kabardino-Balkaria near the Botanichesky Sad metro station; killed a native of Dagestan and injured two others; severely injured a Tajik migrant worker near the Medvedkovo metro station; and stabbed three other men from the Caucasus.⁵⁵

In 2006, the pace of attacks has continued unabated. On February 25, three men armed with knives attacked two women who worked as vendors in a St. Petersburg street market, both of them citizens of Kyrgyzstan. Ainur Bulekbayeva, an ethnic Kazakh, was killed, and Ilfuza Babayeva, an ethnic Azeri, was hospitalized with an estimated 20 stab wounds. Police said nothing was stolen from the two women, and that the attacks were being investigated as possible crimes of hooliganism.⁵⁶ On April 22, 2006, in Moscow, assailants attacked two 25-year old ethnic Tajiks and stabbed them multiple times. The attackers then fled. A passerby picked up the wounded men and drove them to the hospital. One of the men died en route from the 17 knife wounds he sustained, the second was treated at the hospital and survived.⁵⁷

Those attacked and severely injured or killed increasingly include children and young people. A *Sunday Times* (London) investigation into a neo-Nazi training camp outside of Moscow quoted an unemployed engineer at the camp as declaring that "We need to kill all dark-skinned immigrants ... We shouldn't just kill adults. We must get rid of their children too. When you squash cockroaches to death, you don't just kill the big ones. You go for the little ones too."⁵⁸

On January 7, 2006 in Moscow, 13-year old Evgeny Bagdasaryan, an ethnic Armenian from Uzbekistan, was attacked and killed. His body was found by his neighbors near the entrance of his apartment building. He had been stabbed 34 times. Relatives believe he may have been killed by local skinheads, who have been known to threaten people in the neighborhood.⁵⁹ At the beginning of April 2006 in the city of Surgut in the Tumen region, skinheads beat up 15-year old Kairat Murzagaliev, who was originally from Kazakhstan. Eight youths shouting nationalist slogans attacked him while he was on his way to buy bread, throwing him to the ground and kicking him.⁶⁰

People of African Origin

People of African origin have been the object of persistent and serious attacks, with African students in particular subject to everyday threats of violence. Although there are a relatively small number of people of African origin in Russia, they are among the most visible and thus most vulnerable of minorities. While there are many people of African origin, including Russian nationals, permanently living in various parts of Russia, many others are students who plan to leave the country after receiving their diplomas. Human Rights First interviews and reports in the Russian and foreign press have revealed that African students increasingly live in fear in Russia's cities and must take extensive precautions to ensure their own safety. Russian authorities have shown little commitment to act to protect these foreign students.

One of the most widely reported cases of racist violence in 2006 was the murder of an African student in St. Petersburg. The attack followed soon after a nine-year old child of Russian-African descent was attacked and severely wounded by knife-wielding assailants.

On April 7 in St. Petersburg, Lampsar Samba, a student from Senegal, was shot with a hunting rifle as he left a night club with a group of other African students. The weapon, emblazoned with a swastika, was found near the scene of the crime.⁶¹ Just a few weeks before, on March 25, also in St. Petersburg, nine-year old Lilian Sisoko, a Russian citizen of mixed

heritage (the daughter of an ethnic Russian woman and a Malian man), was stabbed in the neck and ear three times by two young men as she was entering her apartment building. She managed to get back to her apartment, where her parents called for an ambulance in which she was rushed to the hospital.⁶² The authorities hesitated in qualifying this crime as racially motivated, although in the case of the student from Senegal, the racist element was immediately acknowledged.

People of “Asian Appearance”

The victims of hate crimes often appear to be chosen on the basis of ethnicity: anyone who does not appear Slavic can fall victim. In addition to attacks on people from Russia's national minorities, numerous attacks have been committed against people of Chinese, Arab, and Indian origin.

In July 2005, a group of skinheads shouting “Russia for Russians” attacked a Vietnamese man in a Moscow park and beat him to death.⁶³ In September 2005, in Samara, two men of “Asian appearance” were reportedly attacked by two drunken security guards and beaten unconscious; they were then doused with a flammable liquid and set on fire in what a local Tatar activist described as a hate crime. The two men were hospitalized in critical condition and the alleged perpetrators were detained.⁶⁴ Later that same month, a Japanese diplomat and his wife were assaulted while waiting for a Moscow trolleybus.⁶⁵ Also in September, 2005, two Chinese students were injured with a baseball bat in an assault by four assailants in Voronezh.⁶⁶ In October 2005, a group of Thai students were attacked in Yekaterinburg, with one student injured.⁶⁷

Antisemitism

Jews in Russia are victims of especially pernicious discrimination and violence that draws upon a public mindset rooted in centuries of antisemitism. Antisemitic views are an ever-present feature of the public statements of a wide range of public figures, nationalist political parties, and extremist groups and can also be found in the mainstream media. Antisemitic literature is widely available and sold without hindrance in Russia's kiosks and bookstores.

The most widely reported recent manifestation of antisemitism involving public officials – members of the Russian Duma – was known as the “Letter of 500.”

On January 14, 2005, the website of the newspaper *Orthodox Rus* published an open letter signed by over 500 people (which has subsequently increased to over 15,000 people), originally including 19 Members of the

Russian State Duma. The seven-page letter restated many of the most ancient and venomous of antisemitic slanders, including the “blood libel” – the claim that Jews practice ritual murder. The document, issued on Duma stationery on the occasion of the 60th anniversary of the liberation of Auschwitz, denounced Judaism as “anti-Christian and inhumane, whose practices extend to ritual murders,” and called on Russia's prosecutor general to “open a legal investigation into banning all Jewish religious and community groups” on the grounds of “defense of the homeland.” It also accused Jews of staging attacks against their own community. A Russian Foreign Ministry press notice, issued as President Putin was preparing to attend the Auschwitz memorial ceremony, declared simply that “the statement has nothing to do with the official position of the Russian leadership.”⁶⁸

The “Letter of 500” has continued to circulate widely and gain supporters. Government officials did, in fact, respond to the letter's demand that the public prosecutor's office initiate an inquiry into Judaism in Russia, although the investigation conducted was quickly concluded.

An initiative similar to the January 2005 letter followed in June 2005, when the Russian press reported a request having been made of a Moscow court by a “group of nationalists” to investigate Jewish leaders, claiming that a traditional text on Jewish law “incites hatred.” Rabbi Berl Lazar was quoted as having confirmed that he had in fact met with the office of the prosecutor to discuss the *Shulchan Arukh*, the 16th century code of Jewish law, and that the prosecutor had “withdrawn its order to investigate the text.” On June 23, 2005 officials of the prosecutor's office had reportedly questioned Rabbi Zinovy Kogan, chairman of the Congress of Jewish Organizations, about the text.⁶⁹ A spokesman for Russia's Federation of Jewish Organizations said the call for an investigation by prosecutors “into whether an ancient Jewish religious text was inciting religious hatred ‘was a sign of a serious illness of our society.’”⁷⁰

Antisemitic slogans and rhetoric in public demonstrations are frequently reported, attributed to both nationalist and Communist parties and political groups. In a February 23, 2006 rally celebrating “Defenders of the Fatherland Day,” a yearly tribute to war veterans, according to the newspaper *Kommersant*, marchers flourished signs with messages including “Kikes! Stop drinking Russian blood!,” “White Power!,” and “A Russian government for Russia!”⁷¹

Antisemitism in the Russian Federation has frequently gone beyond offensive speech and incitement to be manifested through violent attacks against Jews,

Jewish institutions and property, as well as in the desecration of cemeteries and synagogues. The SOVA Center documented 27 incidents of antisemitic attacks on people and on property in 2005.⁷²

In January 2005, a group of some seven teenagers attacked Rabbi Alexander Lakshin, an American citizen, in a pedestrian underpass shortly after he left a Jewish community center in the Marina Roscha district of Moscow. He suffered serious injuries from the attack.⁷³ Two hours before, a Jewish couple had been attacked in the same area, near a major synagogue.⁷⁴ The case of the January 2006 Moscow synagogue stabbing, mentioned above in more detail, generated wide domestic and international dismay.

In June 2005, a synagogue in Vladimir was daubed with swastikas and antisemitic slogans.⁷⁵ In September, stones were thrown through the windows of Nizhny Novgorod's historic synagogue in the central city, the latest of repeated attacks.⁷⁶ On May 10, 2005, a synagogue in the village of Malakhovka, near Moscow, was burned to the ground in what was described as an arson attack.⁷⁷

Cemetery desecrations were widely reported. On May 26, 2005 gravestones in a Jewish cemetery in Kazan were vandalized; four gravestones were daubed with swastikas in Nizhny Novgorod; while 15 markers were damaged in the Vostryakovskoe Jewish cemetery in a Moscow suburb.⁷⁸ In July 2005, ten Jewish gravestones were reportedly smashed in Smolensk on the day locally commemorated as the date of the Nazi establishment of a ghetto there. On August 6, 2005 an estimated 50 gravestones in the Jewish section of the Dmitrovo-Cherkassakh cemetery in Tver were painted with swastikas and others were smashed. Antisemitic leaflets were found at the scene.⁷⁹ Two gravestones were toppled on August 29, 2005, and one painted with a swastika in the Jewish cemetery of Tambov; a third was overturned two nights later.⁸⁰ In October 2005, a Jewish cemetery in St. Petersburg was vandalized twice over two weeks, with 60 gravestones damaged.⁸¹ On April 21, 2006 ten gravestones in a Jewish cemetery were desecrated with graffiti in the form of swastikas.⁸²

Jewish civic centers, shops, and restaurants have also been attacked. On the night of June 30, 2005, two attackers wearing gas masks attacked a kosher food store in Moscow's Marina Roshcha district, releasing an unknown gas and smashing goods and display cases while shouting antisemitic slogans.⁸³ The windows of a kosher restaurant called "Shalom" in St. Petersburg were smashed and its door damaged in September 2005, the second such attack reported in an apparent hate crime.⁸⁴

In March 2005, a Jewish community center in Syktyvkar, Republic of Komi, in northern Russia, was vandalized, with swastikas and "Death to the Kikes" painted on its door and walls.⁸⁵ In July 2005, the Jewish community center in Taganrog, near Rostov, was vandalized after a series of telephone threats, its windows reportedly smashed by two youth who were not detained.⁸⁶ In Vladimir, Chesed Ozer Center was repeatedly vandalized; in August 2005, its fence was daubed with a swastika and the slogan "Go home to the ghetto." Police were called but reportedly refused to record the incident, the third of its kind within a matter of months.⁸⁷ In February 2006 in Saratov, antisemitic graffiti and swastikas were painted on the walls of a building near the offices of two local Jewish organizations.⁸⁸

Police action has reportedly stopped some planned antisemitic attacks and successful prosecutions were reported for serious attacks, such as the January 2006 synagogue knife attack in Moscow. In March 2006, a court in Tomsk reportedly handed down long prison sentences against three men charged with two murders, planting a bomb attached to an antisemitic road sign, attempting to poison patrons of a Jewish-owned restaurant, and an abortive bombing of a synagogue in Tomsk.⁸⁹ A baker, Viktor Lukyanchikov, was sentenced to 23 years' imprisonment on a range of charges, including murder, arson, and incitement of racial hatred. An employee was sentenced to 20 years' imprisonment. In July 2005, press reports had cited official sources tying the Tomsk incidents to the neo-Nazi group Russian National Unity (RNU), and to a series of exploding signs with antisemitic slogans in the Moscow area that had caused serious injuries when passersby attempted to take them down in 2002. Lukyanchikov was accused of having "ordered the planting of a booby-trapped "Death to the Kikes!" sign on a local road which exploded and injured two men who tried to pull it down."⁹⁰

"Non-Traditional" Religions

The four faiths that are formally designated traditional religions in Russia are the Russian Orthodox Church, Buddhism, Islam, and Judaism. Members of others that are considered "non-traditional" religions often face difficulties in leasing premises, obtaining permits to build places of worship, or registering or re-registering under the 1997 law on "Freedom of Conscience." The Jehovah's Witness faith has been banned by a Moscow court since June 2004 and faces difficulties throughout the country in acquiring premises for worship.

Vandalism and physical attacks on members of non-Orthodox faiths and churches have occurred in the context of campaigns of vilification of these faiths, in

leaflets and through the media, sometimes by those purporting to speak in defense of the majority Russian Orthodox Church. Extreme nationalist political groups and parties that advocate “Russia for Russians” and attack non-Orthodox believers also frequently claim to advance the cause of the highly visible Church. Disruption by state agents of public assemblies by members of some religions, and short-term arrests, have further contributed to a climate of hostility toward non-Orthodox Christian faiths, adding an official gloss to religious intolerance.

A Baptist church in Chelyabinsk was firebombed on April 30, 2005, and although the fire was extinguished, echoed the January 2004 bombing of a Baptist church in Tula Oblast and the September 2004 destruction by fire of a Baptist church in Lyubuchany, in the Moscow region.⁹¹ According to members of the Chelyabinsk congregation, the attack followed a television broadcast of a press conference about “totalitarian sects” which had shown footage of the Baptist church and congregation.⁹² The press conference was reportedly held by Ekaterina Gorina, the head of the human rights commission of the governor of Chelyabinsk, who had previously been known for efforts to ban worship by Jehovah’s Witness congregations in the region, including by leading a police raid on a Jehovah’s Witness service for the deaf in April 2000.⁹³

Adventist churches were also targeted. A church in Taganrog, near Rostov, was damaged by a fire police said was arson on April 28, 2005. The pastor said that attackers had systematically broken every window in the church a few days before and that police had then described this as “hooliganism.”⁹⁴ A window was also broken in an Adventist church in Arkhangelsk in early May 2005, reportedly by local youth.⁹⁵

Demonstrations called to protest the presence of so-called “non-traditional” faiths and institutions are frequently the settings for inflammatory statements and leaflets that provide the context for violence. In June 2005, members of the Rodina (Motherland) Party demonstrated in Moscow to oppose the construction of premises for the Russian-American Christian Institute, declaring it to be “a sower of ideas that are alien to our state.” Leaflets combined anti-Protestant rhetoric with antisemitism. Some called upon “fellow citizens and patriots” to stop the “American Protestant heresy,” while others declared: “God is not in strength but in truth! Live without fear of the Jews!”⁹⁶ In May, a similar demonstration was organized by the Orthodox Citizens Union, whose spokesman was quoted as declaring that “this Baptist educational institution is completely out of place in an area where the majority of the population is Orthodox,” (The institute is an inter-faith institution with

Protestant, Catholic, and Russian Orthodox faculty and students.)⁹⁷

Some actions taken in response to public events held by members of Protestant churches have included violent assaults. On August 10, 2005, members of the Emmanuel Pentecostal Church gathered in Moscow’s Pushkin Square were attacked by youths dressed in black, some of them shouting “Burn the heretics.” The church members had gathered to protest city obstruction of the purchase of land occupied by two prayer houses. Police had violently broken up a previous demonstration, arresting several church members, but were absent at the time of the attack.⁹⁸

Roma

Roma have long been the objects of discrimination, deep-seated prejudice, and racist violence in Russia. Roma today are subjected to both individual attacks as well as to pogroms in which groups of people attack Roma communities.

In the Siberian town of Iskitim, attackers have on multiple occasions attacked and burned houses of members of the Roma community. In one attack in November 2005, an eight-year old Roma girl died in the fire when her house was set alight. According to Boris Krendel, a local human rights activist who has sought a government response on behalf of the Roma victims, the district prosecutor subsequently announced on local Novosibirsk television that the perpetrators had been detained, but that they would not be punished because the residents of Iskitim were concerned by the rise of drug trafficking and would like the Roma to leave.⁹⁹ Krendel claims to have been threatened on numerous occasions for his work with Roma as having “helped drug traffickers.” On April 13, 2006, a group of youths attacked a group of Roma near their place of dwelling in the city of Volzhsky in the Volgograd region. The attackers killed two persons and seriously injured two others. Several people have been detained in connection with the attack and charges of murder with a racial motive have been initiated.¹⁰⁰

A negative public perception of Roma has been reinforced by the media and by the public statements of political leaders in recent years. In some cases, regional political leaders have smeared Roma in general as criminals and traffickers in drugs and have set the scene for anti-Roma violence. Statements by the mayor of the northern city of Arkhangelsk, Alexander Donskoi, for example, seem designed to encourage anti-Roma fear and ethnic chauvinism. Donskoi has been particularly virulent in his characterization of the small Roma community living in the outskirts of the city. In the last mayoral campaign, Donskoi campaigned on

a platform of forcing the Roma from Arkhanglesk and has worked since becoming mayor to fulfill that particular promise, using the lower courts to declare their housing community illegal and, when that was blocked by a higher court, reportedly collecting money from local businessman to pay them to leave.¹⁰¹

“Alternative Youth” and Anti-Racist Activists

Increasingly, young people associated with foreign cultures and multiculturalism, sometimes referred to as “alternative youth,” are becoming the victims of serious attacks. On February 5, 2006, on the birthday of Jamaican reggae musician Bob Marley, skinheads reportedly attacked a group of reggae musicians on their way to a concert in Moscow. At least six of them sustained injuries. The police detained eight persons from among the group of over 30 attackers, but released them before the victims could make it to the police station to identify them. Without examining the medical evidence of the victims’ injuries, the police allegedly made the decision that there were no grounds for opening an investigation.¹⁰² A year before, reggae fans in Moscow were attacked and two seriously injured on February 5 by more than 30 skinheads shouting “White Power.” Neo-Nazi groups have declared rap and reggae music “racially inferior.”¹⁰³

Attacks have been reported both at concerts and on public transportation. A group of up to 20 skinheads attacked members of three punk rock bands on April 3, 2005, who were returning from a concert on a Moscow commuter train. Reportedly shouting “Sieg Heil,” the assailants struck with clubs, metal pipes, and bottles, beating the musicians and destroying their musical instruments. Several musicians were seriously injured.¹⁰⁴ Police in Kirov, in contrast, had on April 2, 2005, halted an attack on a rock concert there by a group of some 70 skinheads shouting neo-Nazi slogans who were armed with “clubs, chains, and wooden planks with nails.”¹⁰⁵ Similar attacks are reported in many parts of the country, with a recent incident in Syktyvkar in which fans were attacked as they left a rap music venue, with two injured.¹⁰⁶

Young people involved in human rights, anti-racist, or anti-Fascist campaigning have also increasingly been the victims of attacks. On April 16, 2005, a group of some 12 assailants attacked two members of the Youth Human Rights Movement, Sergey Fedulov and Aleksandr Vyalykh, in Voronezh.¹⁰⁷ The murder in November 2005 of the musician and anti-racist/anti-Fascist activist Timur Karachava in St. Petersburg (described in more detail above) received wide media coverage.

Similar attacks followed that deadly assault. On March 19, 2006 in the city of Tumen, young people involved in feeding the homeless as part of a “Food not Bombs” program were the victims of what was described as a well-coordinated attack. Two young volunteers in the work, as well as two journalists, were injured in the attack.¹⁰⁸ On March 27, 2006, an activist of a human rights organization in the city of Orel was attacked while hanging posters for a “Stop Racism” demonstration.¹⁰⁹ More recently in Moscow on April 16, 2006, Alexander Ryukhin, a young punk rocker and anti-Fascist activist, was murdered, allegedly by skinheads.¹¹⁰

Sexual Minorities

Anecdotal evidence suggests that gays and lesbians are also increasingly the victims of bias-motivated attacks. A wave of aggressive rhetoric against Russian gays and lesbians in early 2006 was the response to attempts by gay-rights groups to organize a first-ever gay pride march in Moscow. In late February 2006, several months before the proposed date of the parade, Sergei Tsoy, the Moscow mayor’s spokesperson, said that “the Moscow government is not even going to consider allowing a gay parade,” claiming that the proposed event has “evoked outrage in society, in particular among religious leaders.” Tsoy added that the mayor “was firm that the city government will not allow a gay parade in any form, open or disguised, and any attempts to organize an unsanctioned action will be resolutely quashed.”¹¹¹ Some religious leaders also publicly expressed vehement disapproval of the proposed parade.

Recent anti-gay rhetoric has also turned to violence. In the late evening of April 30, 2006, about 200 people, among them skinheads as well as Russian Orthodox believers holding icons and crucifixes, protested outside a Moscow gay club—one of several venues planned for a major gay and lesbian celebration—shouting homophobic epithets and patriotic and religious slogans such as “Russia without faggots,” “Glory to Russia,” and “Christ has risen.” Some of the protesters blocked the doors of the club and threw eggs, bottles and rocks at the entrance area. Injuries to club-goers and club personnel were reported. Also on that same night, an art gallery which rented its space to a club patronized by lesbians was seriously damaged after windows were broken and the building set on fire, allegedly by skinheads. The following day, on May 1, another group of several hundred people aggressively protested outside the entrance to another Moscow gay club.¹¹²

As noted above, the gay pride parade originally planned for May 27 to commemorate the 13-year anniversary of the decriminalization of homosexuality

was not sanctioned by Moscow Mayor Yuri Luzhkov amidst pressure and threats of retaliation from extremist groups and from some religious leaders. Luzhkov commented that his decision to ban the parade could serve as an example to foreign countries and that “the West has something to learn from us and should not race along in [allowing] mad licentiousness.”¹¹³

Two other gay pride actions did go ahead – a flower laying ceremony at the Tomb of the Unknown Soldier in Alexander Gardens followed by a rally outside the Moscow Mayor’s office. In both events, participants were grossly outnumbered by skinheads, extreme nationalists and Russian Orthodox believers who chanted homophobic slogans, such as “Moscow is not Sodom” and “No faggots in Moscow.” Police did little to protect the gay and lesbian activists taking part in these events and several people, including Volker Beck, a German Member of Parliament, were attacked and injured.¹¹⁴

Even after the gay pride actions, skinheads conducted what was described as a “hunt” throughout the city for people thought to be sexual minorities. Over the course of two days – May 27-28 – the LINA Agency of Legal Information reported that some 50 gay men, lesbians, and activists were attacked and beaten by small groups of skinheads, who in many cases shouted homophobic epithets in the course of the attacks. Some of the victims needed to be hospitalized with serious injuries; many refused to report the attacks to the police for fear of further abuse.¹¹⁵

The Perpetrators

Russian human rights organizations and public officials have identified a loosely associated movement – often referred to generally as “skinheads” – as a major force behind hate crimes in Russia. It is difficult to describe the skinhead movement with precision due to its relatively underground nature and apparent lack of coordination, but according to experts, there could be up to 50,000 skinheads in the country.¹¹⁶ There are no known unifying regional or national structures; rather, most of this movement appears to involve small groups of youths generally centered around a strong leader and a particular place of residence, study, or work.

At the same time, the geographic reach of skinhead activity in Russia seems to be widening. Whereas in the past skinheads were an important factor only in the larger cities, they are now often present in smaller cities and towns, and they also have become increasingly bold in their public presence. A recent eyewitness account told of a group of some 30 skinheads marching in formation through a central Moscow metro station

shouting racist slogans.¹¹⁷ Such accounts are no longer a rarity.

The increasingly bold public presence of skinhead and other extremist groups has made them a familiar sight among the population. In a public opinion poll on youth “organizations” conducted in Volgograd, skinheads were the best-known. Fifty-seven percent of the respondents were aware of skinhead groups – an increase from 43 percent three months before, and far higher than the percentage of those who were aware of other youth groups.¹¹⁸

Generally skinheads are not partisans of a particular party – they espouse a hate-driven right-wing ideology, often drawing from German National Socialism, but are not part of a single, organized political entity. There are, however, organized political movements in whose activities skinheads are reportedly involved. Among these is the Movement Against Illegal Immigration, which denigrates minorities through its website and publications, and whose leaders have received airtime in the mainstream national media. Another such extremist organization, the Slavic Union, openly advocates violence. One article from the Slavic Union’s website entitled, “We won’t allow a Jewish revolution,” ends with the words “Glory to Russia! Glory to Victory! Death to Jews, Communists, Liberals!”¹¹⁹

Russian media and human rights organizations periodically identify political leaders that provide direct encouragement to the skinhead movement. Press reports in December 2005 said a video circulating among extremist groups featured the former mayor of Vladivostok, Viktor Cherepkov, now an independent member of the Duma, addressing a group of skinheads in which he declares that as a member of the Duma “he spends much of his time ‘defending many of those who are with you,’” and describes skinhead youth as “the real defenders of the Fatherland.”¹²⁰

A member of the Duma from the LDPR, Nikolai Kurianovich, is well known for his association with extremist groups and for his public encouragement of skinhead activity, which he described as “useful” in a meeting in October 2005 with the leader of the Slavic Union. A video of that meeting circulated on the Internet.¹²¹ On October 20, 2005, Rabbi Berl Lazar questioned the party’s leader, Zhirinovskiy, in a public letter, on extremist statements made by Kurianovich. In his response, the LDPR leader defended Kurianovich, explaining that his involvement with skinheads was part of his educational work with youth organizations.¹²²

Some political groups associated with the skinhead movement have been formally banned, but extreme nationalist leaders continue to support racist violence by their supporters. The *St. Petersburg Times* cited

Yury Belyaev, the head of the St. Petersburg Party of Freedom, outlawed in April 2005 for inciting hatred, as admitting “that his ‘young patriots’ attack black and Asian people regularly. We have vowed to continue until Russia gets rid of all this rubbish...” Belyaev reportedly added that “we do this partly to punish the Negroes and partly to teach a lesson to the government, which refuses to legalize our organization.”¹²³

Cossack groups have also been known to be involved in discriminatory violence, especially in southern regions of Russia. In its 2001 Second Report on the Russian Federation, ECRI expressed concern that “in the Southern regions of the Russian Federation (e.g. the Krasnodar and Stavropol Krai, Rostov and Volgograd Oblasts), many of the acts of violence and harassment against persons belonging to ethnic minorities, are committed by members of organizations referring to themselves as Cossacks, whose members actively participate in law enforcement, both together and separately from the local police forces. These acts are sometimes carried out without hindrance on the part of the authorities.”¹²⁴ ECRI reiterated this concern in its 2005 Third Report, noting that “racist violence is said to have recently increased in the Russian Federation, not only due to skinheads’ activities, but also to the unlawful, brutal conduct of some Cossacks towards visible minorities.”¹²⁵

In its 2005 annual report, the SOVA Center highlights some of these same concerns, citing three particular incidents of ethnic violence in which Cossack groups were involved, resulting in dozens of injuries and property damage. In one incident in Novorossiysk, a group of some 200 Cossacks converged on the city, destroyed a café patronized by members of the local Armenian community, and randomly attacked and beat people thought to be of Armenian origin. Police apparently did nothing to stop these violent acts, which were committed in retaliation for a barroom brawl between ethnic-Armenians and Cossacks the previous evening which resulted in the hospitalization of a local Cossack leader.¹²⁶

In light of these incidents, human rights groups have expressed concern that a new “Law on the State Service of Russian Cossacks” was passed in the Russian State Duma and entered into force on December 8, 2005. (Eight previous draft versions had been discussed – and ultimately rejected – over the previous 12 years.) The new law formalizes a role for Cossack units in certain aspects of law enforcement stating that they can “take part in keeping public order, maintaining environmental and fire safety, defending the state borders of the Russian Federation and in fighting terrorism” by concluding necessary agreements

with the Federal Security Service and with the regional and local authorities.¹²⁷

The Media and Public Sentiment

The media bears a certain responsibility for the rise of xenophobic sentiment toward Russia’s minorities. Although hate speech typically appears in more subtle forms in the mainstream media than in extremist publications, the major media’s reach makes it more likely to influence a broader range of the population.

Media monitoring conducted by Russian NGOs has shown that there is, perhaps surprisingly, more hate speech in the national than in the regional media, although it is concentrated in the latter during campaigns waged by individual regional politicians who use the media to stir up public hostility toward particular minority groups.

For example, Roma have been targeted in Arkhangelsk and in other regions, while the Meskhetian Turks have been the target of persistent attacks by political leaders in the Krasnodar media. The mainstream national media has been prone to anti-Islamic and anti-Chechen rhetoric in the context of the conflict in Chechnya and the ongoing fight against terrorism. Not surprisingly, media barrages that attack Chechens as a people and espouse an anti-Muslim message have tended to increase in the wake of new terrorist outrages.¹²⁸

Xenophobic statements by political leaders and media coverage have an influence on public opinion by exacerbating preexisting fears and prejudices. A recent public opinion poll showed the high level of xenophobic views in Russian society: in December 2005, the independent Levada Analytical Center published the results of an opinion poll to assess people’s views of Russian minorities. One of the questions related to the slogan “Russia for Russians.” The results were little changed from a similar question asked one year earlier showing that 16 percent of Russians agree totally with this sentiment, 37 percent believe it would be good to implement such a policy with caution, and 23 percent – two percent less than in 2004 – believe this to be a “Fascist notion” to which they relate extremely negatively.¹²⁹

A similar study among law enforcement officers, published in February 2006 by the Public Verdict Foundation, shows a lower level of acceptance of the notion of “Russia for Russians”: of those polled, 39 percent were prepared to support the idea (versus 53 percent in the population as a whole), while 51 percent disagreed. The authors of the study commented that “in contrast to the population at large, law enforcement officers are more aware of the negative context of the slogan ‘Russia for Russians...’”¹³⁰ Yet, while this study

shows that law enforcement officials may be slightly more tolerant than the mainstream, the results are hardly encouraging.

Public Response by Political Leaders and Law Enforcement Officials

Appropriate application of the hate crimes laws now in place, as described above, is a critical means for the Russian government to respond to hate crimes. But this requires strong and persistent political backing at the highest levels. Political leaders must publicly and constantly reinforce the need to react to individual cases with vigor, to take into account elements of bias, and to acknowledge the severity of the problem of hate crimes in their communications with both the law enforcement officials and the public.

Political leaders at the highest level have on occasion spoken out on the issue. In his public address on Red Square on May 9, 2006, President Putin stated that “those who try to raise the rejected banners of Nazism, who spread racial hatred, extremism and xenophobia – are leading the world to a dead end, to senseless bloodshed and cruelty.”¹³¹ Putin had spoken out with similar forcefulness during the commemoration of the 60th anniversary of the liberation of Auschwitz. And in a February 17, 2006 meeting with top Interior Ministry officials, Putin criticized them for “failing to take efficient and systematic efforts” to deal with the surge in racist attacks. According to the official text of his comments, he also acknowledged that “extremist groups have grown increasingly aggressive and bold in their activities” and that “law enforcement structures have underestimated the danger of that.”¹³²

Law enforcement officials have indeed underestimated the threat of extremism in the form of racist violence in Russia. At a press conference on January 28, 2005, Moscow's police chief, Vladimir Pronin, denied the existence of any organized skinhead groups in the capital, while suggesting that only non-citizens are attacked. “There is no such organization,” said Pronin, adding that “there are just some rabble in Moscow and its suburbs who attack foreign citizens.”¹³³ Such statements come in the midst of frequent attacks by skinheads on minorities in Russia's capital.

In Russia's second city in the frequency of racist violence – St. Petersburg – criminal justice authorities have been equally eager to downplay the threat of extremism. On April 21, 2006, St. Petersburg's chief prosecutor Sergei Zaitsev declared the spate of hate crimes recently witnessed there to be “a provocation” against the city's reputation, rather than a sign of extremism. He stated that there are only two extremist groups in St. Petersburg – Schultz-88 and Mad Crowd

– members of which had been sentenced in December 2005 to short prison terms. He called on journalists to cover crimes against foreigners in a more correct manner so as not to encourage “the desire among certain people to stigmatize our city.”¹³⁴

St. Petersburg's Governor Valentina Matvienko herself played down the problem of racist violence in the city, suggesting that the press had unfairly blown things out of proportion. “Over the past few years there has been an attempt to stamp St. Petersburg as the capital of xenophobia,” she said, “and, unfortunately, many media outlets have fallen for this provocation...”¹³⁵ The governor appeared to dismiss the continuing threat offered by the thousands – by some estimates – of St. Petersburg residents who identify themselves with skinhead culture and racist ideology.¹³⁶ Referring to the May arrest of five neo-Nazi group members, she stated that “I believe that this is the last gang involved in such activities,” adding that “of course, one can't rule out that they have their followers.” “There are all kinds of youth groups in the city,” she conceded, “but they are not dangerous. One just has to work with them”¹³⁷

On the whole, there is a widespread feeling among civil society representatives that political leaders have not spoken out with sufficient regularity. Nor have political leaders presented a comprehensive plan to address the growing problem of discriminatory violence. In its Third Report on the Russian Federation, released in April 2006, ECRI noted that “NGOs and experts have strongly criticized the position adopted by the Russian authorities until very recently in respect of the current increase of racism and intolerance in the Russian Federation. In general, they consider that up until now the authorities have turned a blind eye to the problem and have not taken any measures to prevent or combat this growing phenomenon.”¹³⁸

This sentiment was reiterated at a May 14, 2006 conference of civil society leaders on “Fascism – a Threat to the Future of Russia.” In a final conference program of action, the conference participants urged the Russian government “to admit, on the level of the government's leadership, the seriousness of the problem of neo-Nazism, xenophobia and racial discrimination ... Russian society needs clear and concrete statements from government representatives at all levels against racism and discrimination.”¹³⁹

Overall, the message coming from Russia's civil society leaders is that the official reaction to hate-motivated crimes and what these crimes reveal about the plight of Russia's minorities has been both intermittent and largely muted, falling far short of the visible, concrete concerted action needed to combat racist violence and related hate crimes that is required.

Endnotes

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⁸ Article 111. Deliberate infliction of grievous bodily harm

1. Deliberate infliction of grievous bodily harm ... is punishable by incarceration from two to eight years.

2. The same actions, committed:

(...)

f. with a motive of national, racial, religious hatred or enmity... is punishable by incarceration for three to ten years.

Article 112. Deliberate infliction of moderate bodily harm

1. Deliberate infliction of moderate bodily harm... is punishable by arrest for a period of three to six months or by incarceration for up to three years.

2. The same actions, committed:

(...)

f. with a motive of national, racial, religious hatred or enmity... is punishable by incarceration for up to five years.

Article 117. Torture

1. The causing of physical or psychological suffering through systematic beatings or other violent actions ... is punishable by incarceration for a period of up to three years.

2. The same actions, committed:

(...)

h. with a motive of national, racial, religious hatred or enmity... is punishable by incarceration for a period of three to seven years.

⁹ Article 244. Desecration of mortal remains or places of burial

1. Desecration of mortal remains ... is punishable by a fine in the amount of up to forty thousand rubles or the amount of a salary or other income of the perpetrator for the period of three months, or mandatory work for a period from one hundred twenty to one hundred eighty hours, or corrective labor for a period of up to one year, or arrest for a period of up to three months.

2. The same actions, committed:

(...)

b. with a motive of national, racial, religious hatred or enmity... is punishable by limited freedom for a period of up to three years, or arrest from three to six months or incarceration for up to three years.

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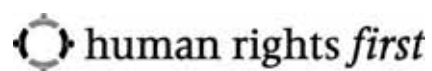
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