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Russia's Terrorism Laws Target Everyone But the Real Threat

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Daria Kozyreva, which is charged with "discrediting" the Russian Armed Forces, in court. **Social media**

Anti-extremism legislation, and anti-terrorism legislation even more so, are hardly unique to Russia. In many modern societies, they are presented as a sad necessity. However, against the background of Russia's war against Ukraine and the militaristic hysteria fomented by officials, such repressive legislation is expanding and tightening in scope. And worryingly, it is increasingly being applied in illegal ways.

Experts at the Sova Center who analyzed sentences for extremist offenses in 2023 found an unprecedented 35% of people jailed for making "extremist statements" were wrongfully convicted, while previously their share was less than 15%. The penalties have also become harsher, with more people receiving prison sentences. The Sova Center describes the situation in 2022-2023 as "rampant repressive law enforcement."

In recent years, the number of people convicted and prosecuted for extremist statements has

been increasing. In 2016-2018, it peaked at more than 850 people (compared to over 400 in 2023). The Sova Center believes the number of people administratively convicted for statements is kept at more than 5,000 people.

Strictly speaking, the court (and the preceding investigation) in cases of public statements should apply the so-called six-part test developed by international experts and approved by the UN Human Rights Council under the Rabat Plan of Action.

The degree of public danger of the statement is analyzed according to the following criteria:

1) content of the statement, its genre and style;

2) the identity of the author and their authority for the audience;

3) the context of the statement (public or private, how painful the topic is for society, etc.);

4) presence of clear intent;

5) degree of public exposure, size and nature of the audience;

6) likelihood of severe consequences.

It is clear that with proper application of these criteria, a huge number of these so-called extremist cases simply would never have been initiated. However, Russian authorities tend to see extremism and terrorism, or its justification, where it does not exist — and act with excessive cruelty.

The examples of this are well-known and numerous. A criminal case was initiated against 18-year-old student Daria Kozyreva for repeatedly discrediting the Russian Armed Forces – punishable by up to five years of imprisonment — for sticking a poem by Ukraine's national poet Taras Shevchenko on a monument.

Under the same article, renowned human rights defender Oleg Orlov was sentenced to 25 years of imprisonment. For "justification of terrorism" and public incitement of hatred and hostility toward FSB employees – who are considered their own social group — activist Mikhail Krieger was sentenced to seven years.

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Sociologist and publicist Boris Kagarlitsky was sentenced to five years for "public justification of terrorism." Under the same Criminal Code article, a criminal case was initiated against theatre director Yevgenia Berkovich and playwright Svetlana Petriychuk, who had already been under investigation and held in custody for months.

Bashkir activist Fayil Alsynov was sentenced to four years in a prison colony because of an ambiguous statement in his native language that the court interpreted as incitement of hatred and hostility toward migrants.

Russian law enforcement and courts are throwing increasing effort into suppressing public

protest, freedom of speech and expression of opinions critical of the regime. At the same time, the threat from real terrorists is overlooked.

The recent tragedy at a Moscow region concert hall has made this oversight obvious. Russia's special services ignored U.S. intelligence warnings of a planned attack, while law enforcement unprofessionally delayed emergency services' access to the burning building, demonstrably tortured the detainees and allowed the radical far-right to spread the footage on social media. Authorities are now trying to compensate for this blunder by going after people who expressed themselves carelessly on social networks, like St. Petersburg resident Nikolai Konashenkov.

In the narrow sense, Russian anti-terrorism and anti-extremism legislation encompasses two laws: "On Countering Extremist Activity" and "On Countering Terrorism." These so-called framework laws, do not outline direct actions but instead contain general principles for regulating anti-extremism and anti-terrorism efforts and refer to other laws to establish sanctions for violations.

For example, the law on countering extremism states that the production, storage, or distribution of extremist materials constitutes a violation of the law. The law on countering terrorism states that terrorist activity includes, among other things, "the propaganda of terroristic ideas, the dissemination of materials or information that call for the conduct of terrorist activity or justify or validate the necessity of such activity." The sanctions for such actions are outlined in Article 205.2 of the Criminal Code.

Thus, in addition to the two mentioned laws, the discussed legislation includes the "extremism" and "terrorism" articles of the Administrative and Criminal Codes. No fewer than 13 articles of the Administrative Code are fully or partially dedicated to anti-extremism — from petty hooliganism and offending the feelings of religious believers to discrediting the Russian Armed Forces and the rehabilitation of Nazism.

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In Russia's Criminal Code, there are no fewer than 35 articles fully or partially dedicated to extremism and terrorism. Separate provisions of several sectoral laws (on the media, public associations, freedom of conscience, citizenship, and others) also align with these efforts.

More broadly, anti-extremist and anti-terrorism legislation can also include stipulations about "undesirable organizations," "foreign agents" and the responsibility of website owners, since the same repressive apparatus monitors their enforcement. In the public consciousness, all these designations are lumped together, as state propaganda essentially equates anti-war protest, environmental activism, and civic activity (including observing elections) with treason against state interests. From there, it is not a far leap to extremism and terrorism.

The reasons for arbitrary and improper application are already present in the laws themselves. Though the law on countering terrorism defines terrorist activity quite clearly, there is no official list of extremist acts or definition of extremism.

There are also cases of complete unconstitutionality of the adopted amendments to the legislation. For example, recent changes to Article 22 of Russia's Citizenship Law (2021) allow for people convicted of terrorist activity to have their Russian citizenship revoked, which is equated to providing false information about oneself when applying for citizenship. The retroactive force of this law — implying that a person has been hiding criminal intentions from the very beginning — contradicts Article 6 of the Russian Constitution, which states that citizenship cannot be revoked and that both natural-born and naturalized citizens have equal rights. In practice, there have been cases of deprivation of citizenship – both acquired and by birth – when they had no other nationality. This is how the environmental and anti-war activist Arshak Makichyan, who was born in Russia and never had any other citizenship, became stateless.

The second aspect of the improper application of anti-extremism and anti-terrorism legislation is selectivity. People who disagree with the regime are often persecuted, while genuinely dangerous calls and actions by pro-government figures or people who otherwise reinforce the party line go unpunished.

It is particularly alarming that repression — first legislative and then practical — is no longer just based on ideology or religion, but other collective traits. As soon as the "international LGBT movement" was declared an extremist organization last November, repression against specific LGBTQ+ individuals immediately followed.

Proposals have already been made to declare ethnic groups as extremistand deal with them the same way as with the LGBTQ+ community. Such rhetoric is not just characteristic of nationalist and xenophobic Telegram channels. State Duma Deputy Pyotr Tolstoy declared all national diasporas, compatriot associations and communities as "legalized mafias." Dmitry Medvedev — the deputy chairman of the Security Council — called for the execution of all terrorists and repression against their families.

Medvedev and other officials have started campaigning to end Russia's moratorium on the death penalty. What legislative novelties are next? Could people united by common ancestry and visual characteristics be declared "extremists"?

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