

URGENT ACTION

MEN FACING PRISON FOR HOLDING ART EXHIBITION

Two men who organized a contemporary art exhibition are facing imprisonment for "inciting hatred". Amnesty International believes that they were peacefully exercising their right to freedom of expression.

Yurii Samodurov and **Andrei Yerofeev** face three years' imprisonment for "inciting hatred or enmity" and "denigration of human dignity", for organizing a contemporary art exhibition in Moscow. The two men staged the *Forbidden Art 2006* exhibition at the Sakharov Museum in Moscow in March 2007. The exhibition gathered together a number of works of art that had been refused inclusion at various exhibitions in 2006. The pieces of art included work by some of Russia's most well-known contemporary artists, such as Ilya Kabakov, Alexander Kosolapov, the group Blue Noses, Aleksandr Savko and Mikhail Roginskii. The art presented included a photomontage of a photograph of a frame of an icon and a photo of caviar inside the icon. Other examples included reproductions of religious paintings where the figure of Mickey Mouse had been inserted.

The two men are charged under Article 282 (2) of the Russian Criminal Code for "using their official position to incite hatred or enmity and denigration of human dignity". The prosecution claimed that Yuri Samodurov, then director of the Sakharov Museum and Andrei Yerofeev, then head of the department for contemporary art at the State Tretyakov Gallery, had arranged the exhibition in such a way that it denigrates Christianity, and especially the Russian Orthodox faith, and incites hatred against Orthodox and other Christians. Amnesty International believes that the exhibition *Forbidden Art 2006* does not incite hatred and that the organizers of the exhibition should not have been prosecuted.

An expert opinion, ordered by the prosecution, found that the exhibition and the works of art are "not anywhere close to art ... as art is by definition about the cultivation of spiritual values and the concept of beauty, not about its destruction". The expert compared the artists, whose work had been shown at the exhibition, to drug addicts, saying that like drug addicts the artists suffer from an illness. She also stated that "art dealers or the organizers of the exhibition, like drug dealers, were making a living out of people's tragedy". The defence questioned this expert opinion, stating that its author is not an expert on contemporary art.

The judgment will be announced on 12 July. Publicity over the next few weeks is crucial to making sure that the two are not being sentenced. Please send copies of your letters to diplomatic representatives of Russia in your country.

PLEASE WRITE IMMEDIATELY in Russian, English or your own language:

- Expressing concern that Yuri Samodurov and Andrei Yerofeev might be imprisoned solely for exercising their right to freedom of expression;
- Urging the authorities to stop the criminal prosecution of Andrei Yerofeev and Yuri Samodurov and to close the case against them.

PLEASE SEND APPEALS BEFORE 4 AUGUST 2010 TO:

Prosecutor General

Yurii Ya. Chaika
Ul. Bolshaia Dmitrovka, 15a
Moscow GSP-3
125993 Russian Federation
Fax: +7 495 692 17 25

Salutation: Dear Prosecutor General

President of the Russian Federation

President Dmitry A. Medvedev
ul. Ilyinka, 23
Moscow
103132 Russian Federation
Fax +7 495 9102134

Salutation: Dear President

And copies to:

Ombudsperson of the Russian Federation
Vladimir P. Lukin
Ul. Miasnitskaia, 47
Moscow
107048 Russian Federation
Fax: +7 495 607 74 70

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ADDITIONAL INFORMATION

The charges under Article 282(2) of the Russian Criminal Code against Andrei Yerofeev and Yuri Samodurov were brought in May 2008. The hearing into the case started in September 2009 at the Taganskii district court in Moscow.

During the trial, which is coming to a close, only one witness of the prosecution had, in his own words, "glanced" at the exhibition. None of the witnesses could name an individual who had been incited to hatred or enmity against the Orthodox faith after visiting the exhibition. Despite this, the witnesses claimed that the exhibition did incite hatred. The prosecutor concluded that if at least two people felt their religious feelings had been insulted by the exhibition this was enough to invoke Article 282.

The charges against the two men have been brought in violation of international human rights law as well as the laws of the Russian Federation, both of which guarantee the right to freedom of expression. International human rights law does not permit, or require freedom of expression to be restricted or prohibited simply on the grounds that some people find the views expressed offensive.

Yurii Samodurov, together with curator Ludmila Vasilevskaia, had previously received a conditional sentence after conviction for inciting hatred following their organization of an exhibition entitled *Caution! Religion!* in 2003, also at the Sakharov Museum in Moscow. Amnesty International considered that this earlier exhibition did not incite hatred either, and that Yurii Samodurov and Ludmila Vasilevskaia were sentenced solely for exercising their right to freedom of expression.

The Andrei Sakharov Museum opened in May 1996 to commemorate victims of political repressions in the USSR, but also functions as an NGO working to promote human rights and democratic values in Russia. It is a regular venue for conferences and other public events organized by human rights NGOs in Russia.

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