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Russia: Halt prosecution of exhibition organizers

Amnesty International and ARTICLE 19 are urging the Russian authorities to drop the charges against the organizers of *Forbidden Art 2006*, an exhibition which featured Soviet and post-Soviet art works, some of which used religious symbolism.

Andrei Yerofeev, the exhibition curator, and Yuri Samodurov, then director of the Andrei Sakharov Museum and Public Centre, were accused of "inciting hatred or enmity" and "denigration of human dignity" over the exhibition, which was hosted at the Museum in Moscow in 2007.

The verdict is due on 12 July and the two defendants are facing three years imprisonment.

“A guilty verdict against Yuri Samodurov and Andrei Yerofeev would further undermine freedom of expression in Russia. It will send a strong signal to artists that they could be hounded by the authorities on arbitrary charges simply for exercising this fundamental right,” said Nicola Duckworth, Europe and Central Asia Programme Director.

Forbidden Art 2006 brought together a number of censored art works that had been refused public display at other exhibitions.

The exhibition featured pieces 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 exhibits included works that included Mickey Mouse instead of Jesus Christ in paintings portraying scenes from the Bible.

The prosecution claims that Yuri Samodurov 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 incited enmity and hatred and also denigrated the dignity of Christian groups, in particular Orthodox Christians.

Trial observers stressed that out of 134 prosecution witness statements only three witnesses had admitted to having seen the works.

One of them admitted in his own words, he had only "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.

Anna Stavitskaya, the defence lawyer, told Amnesty International and ARTICLE 19 that no law had been violated. She said: *"The prosecutor could not explain against whom 'hatred or enmity' had been incited and whose dignity had been denigrated. People should not be put on trial for organizing an exhibition."*

Dr Agnes Callamard, Executive Director ARTICLE 19, said: *"At international meetings, the Russian President Dimitry Medvedev claims that Russia is changing. Sentencing Samodurov and Yerofeev for exhibiting art is reminiscent of a Russia where artists were persecuted for their beliefs and views."*

"Freedom of art is an integral part of the right to freedom of expression. This right is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive but also to those that offend, shock or disturb the state or any sector of the population. Such are the demands of pluralism, tolerance and broadmindedness, without which there is no democratic society."

Neither Russian, nor international human rights law permit freedom of expression to be restricted or prohibited simply on the grounds that some people find the views expressed offensive or disagreeable.

Moreover, laws forbidding incitement to hatred should not be used to limit freedom of expression in order to protect or support a particular religious group or point of view as such. Rather, they should seek to limit forms of expression which have the potential to cause harm to individuals and which are incompatible with the underlying values of human rights.

Some of the leading Russian cultural figures and human rights activists are declaring their support for Andrei Yerofeev and Yuri Samodurov.

A well-known Russian gallery owner, Marat Gelman, has already said that if a guilty verdict is handed down, he will immediately exhibit "Forbidden Art 2006" in his gallery.

Background

Yurii Samodurov, together with curator Ludmila Vasilevskaia, had previously received a conditional sentence after a conviction for inciting hatred following the organization of exhibition entitled *Caution! Religion!* in 2003, also at the Sakharov Museum in Moscow. Yuri Samodurov and Ludmila Vasilevskaia took the case to the European Court of Human Rights.

It has been communicated to the Russian Government in January 2010. Amnesty International and ARTICLE 19 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 and Public Centre opened in May 1996 to commemorate victims of political repressions in the USSR and also to promote human rights and democratic values in Russia.

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