

Introduction

This research is a continuation of the [topic on the use of Article 20.3](#) of the CAO (Code of Administrative Offences) as an instrument of prosecution for the manifestation of one's patriotic beliefs towards Ukraine and suppression of disloyal groups in the temporarily occupied territory of Crimea under the guise of combating extremism.

Earlier, in June 2024, Crimean Process researched the court practice related to 'Ukrainian' cases under Article 20.3 related to the public display of Nazi, extremist and other prohibited symbols and concluded that in such cases the court shows a superficial approach, prefers more vague rather than specific qualifications of offences and seeks harsher as well as additional forms of punishment, regardless of the gender and age of the persons involved.

However, the previous study actually focused only on prosecutions for expressing sympathies for Ukraine and did not answer the question of whether other groups prosecuted for displaying Nazi, extremist and other prohibited - 'non-Ukrainian' - symbols are treated similarly. Furthermore, it was not part of its tasks to assess the proportionality of these other groups compared to the number of prosecutions of Ukrainian sympathisers.

Thus, having a detailed analysis of the processes and trends in the persecution of one group of the population, it is possible to look at the practice as a whole, to see in figures what priorities the counter-extremism services are facing and how typical of the judicial system are the problems found when dealing with cases against people who adhere to Ukrainian views.

The **hypothesis** of this research is that the number of prosecutions for displaying all other types of symbols is significantly lower than for the 'Ukrainian group', the approaches to handling cases are of higher quality, and the punishment is one-off and more often non-custodial.

Aim and objectives:

Aim: To conduct a comparative analysis between the judicial practice in cases involving the display of Ukrainian beliefs and the practice of considering cases for displaying other Nazi, extremist and banned symbols.

Objectives:

1. To analyse the entire body of court decisions for the time frame of the research;
2. To categorise the main types of display of Nazi, extremist and banned symbols;

3. To establish the proportional representation of each type in the total body of court decisions for the time frame of the research;

4. To conduct a comparative analysis between groups according to the following criteria:

a) the proportion of judgements with custodial sentences;

b) the presence of additional charges;

c) presence of public humiliation or physical violence;

d) Presence and nature of publications about the offences in the media;

e) The proportion of judgements with expert opinions and their details;

f) Percentage of judgements with no reference to legal grounds for prosecution;

g) The existence of efforts by the court to verify/identify the motives for displaying prohibited symbols.

Geography and time frame:

The research includes the analysis of practice in all courts of general jurisdiction in the temporarily occupied territory of the AR Crimea and the city of Sevastopol. The time frame of the research is from 1.01.2025 to 30.06.2025. The choice of this time frame is due to the lack of sufficient resources to research the issue in a wider time range. Although it is planned to expand the time frame in the future, we believe that the period of 6 months is sufficient for a representative representation of the identified peculiarities of judicial proceedings.

Detailed description of the research:

To perform the task of analysing the entire array of court decisions on the display of Nazi, extremist and other prohibited symbols, open data provided on the official websites of the judicial bodies operating in the temporarily occupied territory of Crimea were used. The method of personal observation in this study had to be completely abandoned, since trials for this type of offence are usually held on the day of the protocol, which excludes the possibility of timely organisation of observation.

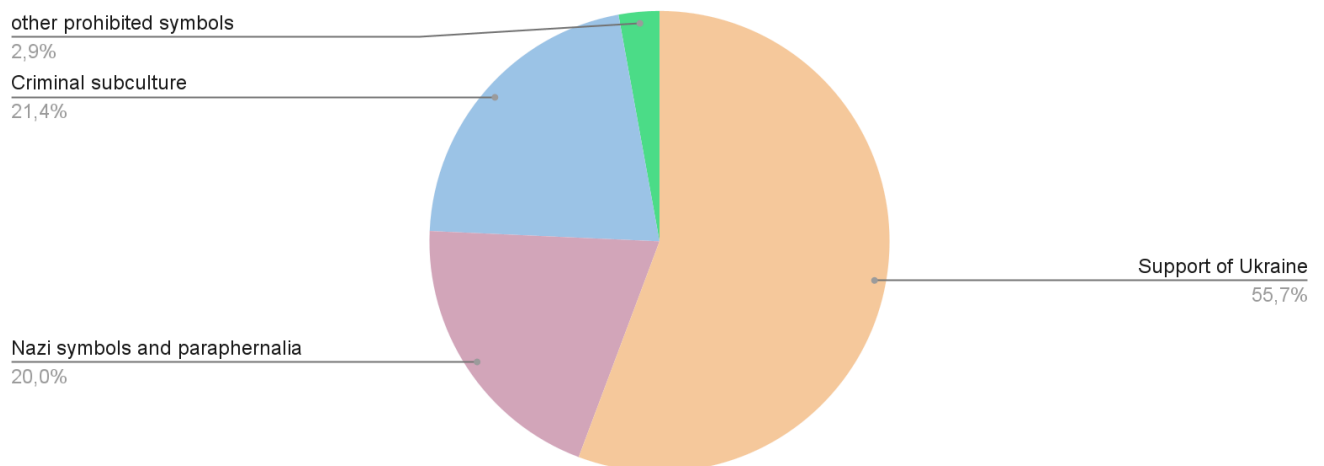
A total of 96 cases under Article 20.3 of the Code of Administrative Offences were considered in the courts of Crimea during the described period. There were no cases not considered. During the study period there was noted 1 ruling on termination of proceedings on the offence and 3 cases when the court returned the protocol to the police without further consideration of the case. Thus, 92 people were punished under Article 20.3 for six months in Crimea and Sevastopol.

To fulfil the second task (categorisation), all cases were selected for which decisions or other materials were available that could indicate the factual circumstances that led to prosecution under Article 20.3 of the CAO. At the time of preparation of the research in 22 cases it was not possible to establish such circumstances. In this regard, the main material for the study was the remaining 70 trials. Having analysed the data, we have identified the following thematic categories:

- a) Ukrainian - for any actions related to the demonstration of sympathy or support for Ukraine
- b) Nazi - for any actions related to the demonstration of symbols or attributes similar to those used in Nazi Germany
- c) criminal - for demonstrating tattoos of an informal association of criminals, which is prohibited under Russian law.
- d) other - for demonstration of symbols and paraphernalia not related to the above-mentioned or religious themes.

The share of each group in the total mass of the analysed decisions is as follows:

Topics, for which they are prosecuted in Crimea for Article 20.3



As can be seen from this diagram - the fight against all violations taken together occupies less space in the work of the occupation law enforcement agencies than the opposition to residents loyal to Ukraine. Moreover, the number of cases related to Nazi propaganda is almost three times less than the number of 'Ukrainian' cases.

Further, as part of the fourth task (comparative analysis), we examined whether several specific features of court proceedings, which are characteristic of trials against supporters of Ukraine, are observed in cases of other categories. At the same time, due to the small number of the group 'other prohibited symbols', we excluded two cases of this category from the comparative analysis, leaving for comparison only cases against persons displaying Nazi symbols and supporters of prohibited criminal subculture.

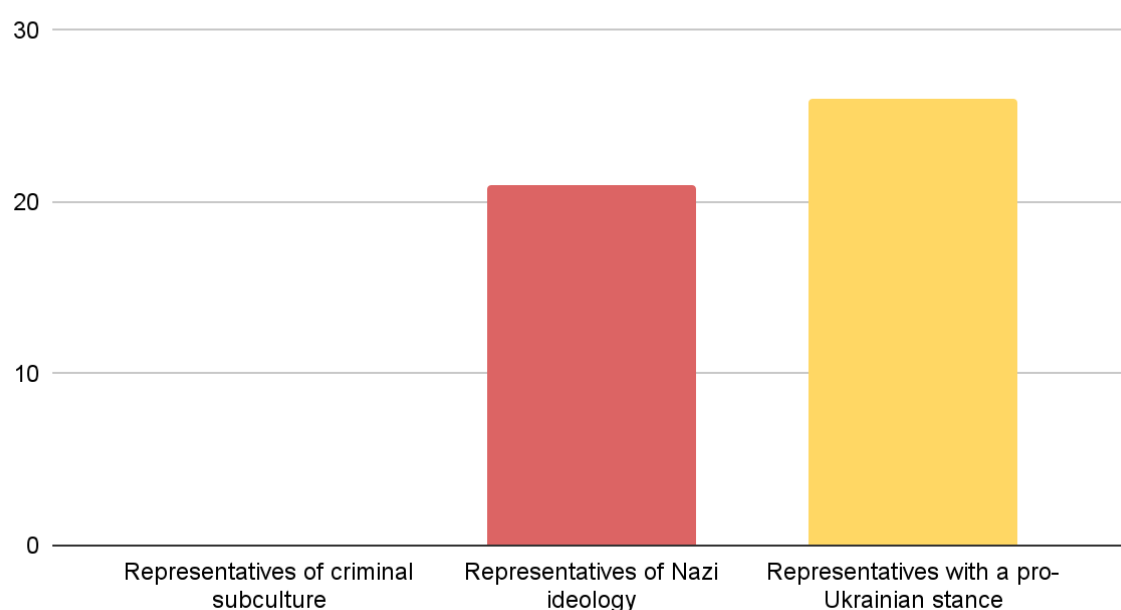
Proportion of judgements with a custodial sentence:

In none of the cases involving the display of banned symbols of the criminal subculture did the court decide to impose administrative arrest and, even when determining the amount of the administrative fine, in all the cases studied it chose the minimum amount of 1,000 roubles (about 10 euros). The share of decisions involving deprivation of liberty was **0%**.

Out of 14 cases on charges of propaganda of Nazi ideology, in 2 cases it was not possible to determine what punishment the court imposed, in 3 cases it was administrative arrest, and in the rest - a mild form of punishment in the form of a minimum or close to minimum fine in the amount of 1000-2000 rubles (about 10-20 euros). The share of judgements involving deprivation of liberty is **at least 21%**.

Out of 39 cases related to the demonstration of Ukrainian symbols and paraphernalia, in at least 10 cases the court decided on administrative arrest and in 28 cases - on a mild form of punishment in the form of a minimum or close to minimum fine of 1000-2000 rubles (about 10-20 euros). The share of decisions involving deprivation of liberty is **no less than 26%**.

Percentage of decisions related to deprivation of liberty



However, it should be added here that decisions on arrests were issued mainly by the Kyiv District Court of Simferopol, and single decisions were made in Kerch, Dzhankoy, Feodosia and Sevastopol. As a permissible assumption, such a bias can be explained not so much by the loyalty of the court, but by the technical capabilities of special reception centres for administratively arrested persons. In most settlements such reception centres are not designed for a large number of arrested persons and are often overcrowded due to the detention of criminal defendants there for the duration of the trial, while in Simferopol there is no such problem.

Presence of additional articles of charges:

In the previous study it was noted that cases against citizens loyal to Ukraine are often accompanied by not one, but two or even three different offences. As a rule, together with the display of Ukrainian symbols, the court considers protocols:

- on discrediting the Russian armed forces (Art.20.3.3 - only a fine);
- on petty hooliganism on the Internet (Part 3 of Art.20.1 - only a fine);
- on disobeying the lawful demands of a police officer (Art.19.3 - a fine or arrest).

This trend with regard to the 'Ukrainian group' remained unchanged during the period of this study - out of 39 cases, 14 cases recorded one additional offence and 4 cases recorded two additional offences.

At the same time, during the period under research, no person from other groups brought to administrative responsibility was charged at the same time under other articles of the Code of Administrative Offences. **Additional prosecutions were recorded only in the group related to Ukrainian issues.**

Presence of facts of public humiliation or physical violence:

One of the characteristic features of persecution of people for manifestation of patriotic beliefs in Crimea remains the practice of public humiliation related to the publication of video recordings made after the detention of a person brought to administrative responsibility. In such recordings, people are forced to apologise, renounce their views and perform other actions that humiliate moral dignity (for example, declaring their love for Putin or singing the Russian anthem). The publication of videos with footage of unmotivated brutality of law enforcers at the moment of detention of such persons also falls into this category.

This tendency towards the 'Ukrainian group' remained unchanged during the period of this research - out of 39 cases, 11 cases (28%) recorded such facts.

There were no videos of supporters of the criminal subculture publicly apologising and stating that they had reconsidered their views. Only 1 case of moral humiliation (7%) was reported among those prosecuted for propaganda of Nazism. Thus, it is

possible to trace quite clearly which category of citizens is significantly exposed to the risks of additional and extra-legal forms of pressure from the occupants.

Presence and nature of publications about offences in the media:

The Crimean Process has previously established the existence of a close relationship between the appearance in social networks of videos with humiliation of detainees loyal to Ukraine with the dissemination of this information by local, including governmental, media. At the same time, as a rule, the headlines and content of texts in the media do not meet the standards of neutral presentation of information, but are aimed at forming a negative attitude towards the detainee.

In addition, the observation that the courts are more likely to impose harsh judgements on the heroes of such publications for maximum terms of administrative arrests should also be included in the identified pattern.

This trend with regard to the 'Ukrainian group' remained unchanged during the period of this research - out of 39 cases, in 11 cases local media, including those affiliated with the government, disseminated information about the detainees, including in a format that insults their dignity and creates a hostile attitude towards people with such a position. As an illustration: the [text in the 'Crimean Gazette'](#) (owned by the Government of Crimea) came out with the headline: 'You shouldn't have done it: a Nazi woman from Crimea apologised for her behaviour'.

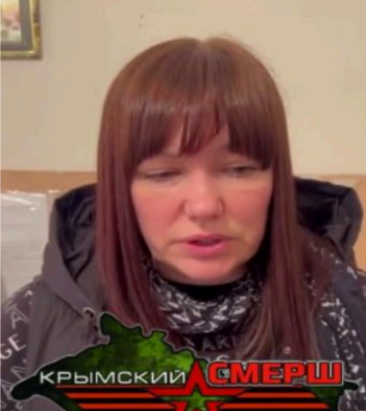
Сбор Народного Фронта "Все для Победы!"

Лента новостей Крыма

Главная Лента Важно Официально Топ Видео СМИ Паблики Мнения

Не надо было этого делать: ждуниха-нацистка из Крыма извинилась за свое поведение

13 февраля 2025, 17:58 СМИ



Сотрудники МВД Крыма и Пограничного Управления ФСБ России задержали гражданку Дереча Жанна Васильевна, которая в социальной сети «ВКонтакте» публично размещала дискредитирующие армию материалы и нацистскую украинскую символику. Об этом сообщили в Telegram-канале проекта «Крымский СМЕРШ».

«Я раскаиваюсь, не нужно было этого делать», - сообщила задержанная на видеозаписи, размещенной в Telegram-канале.

Составлен протокол, материалы направлены в суд.

Ранее **ждун-нацист из Краснопереконского района** **раскался** **после профилактической беседы с полицией.**

Гео: Краснопереконск
Источник: Крымская газета

КРЫМСКИЙ СМЕРШ

As this research has shown, the Crimean media are much less interested in the detention of people who demonstrate sympathy to the ideology of Nazism. Only one case was recorded during the study period, when journalists covered the fight against this group of offenders. At the same time, the same media resource uses almost neutral vocabulary in this [material](#): 'A lover of Nazi Germany was detained in Crimea'. No publications were devoted to the topic of prosecution of

representatives of criminal subculture during the period under research.

The share of judgements with expert opinions and their details:

In a previous study on the problem of prosecution of supporters of Ukraine under the guise of combating extremism, 'Crimean Process' has already drawn attention to the role of expertise in the system of evidence of guilt of the person involved. In particular, it was noted that the decisions often mention unnamed experts who without any arguments claim that the symbols belong to organisations whose activities are prohibited.

Meanwhile, the tasks of the expert, according to the theorising of Russian legal scholars, such as Anatoly Khomenko, PhD in Law, and Natalia Cheremnova, PhD in Law, include:

- comparing the identified symbolism with the list of extremist materials of the Ministry of Justice or establishing the connection of the symbolism with an organisation recognised by the Russian authorities as extremist;
- comparing the identified symbols with those presented in the charter documents of the extremist organisation;
- in the absence of statutes, to establish the use of the detected symbols as permanent or systematic in the activities of the organisation recognised as extremist (taking into account the conclusions of the relevant expert examinations);

Instead, in the decisions for the period under study one can often find such unsubstantiated statements as "the above comments contain slogans used by an organisation of Ukrainian nationalists whose members actively collaborated with Nazi Germany, and the activities of the organisation itself are prohibited in the territory of RF".

There is no comparison, no attempt to establish a link to an extremist organisation, and no arguments about constant or systematic use in such decisions.

The second problem in this aspect is the complete disregard by the court of the absence of expert opinion to form its judgement. The judges themselves determine at their personal discretion whether the symbols are related to the activities of extremist or Nazi organisations. The court does not support its opinion with evidence or references to the source of knowledge, nor does it observe other requirements of the procedure that would allow excluding the erroneous interpretation of some paraphernalia as prohibited.

An analysis of the judgements shows that this problem is common to all groups whose cases are considered in connection with allegations related to symbols of all kinds. The cases when a specialist's opinion would have been sufficiently presented in the judgement are isolated. However, the degree of degradation in the assessment of evidence is nevertheless different. In particular, representatives of criminal subculture, out of 15 cases, in 13 cases there is a reference to a specialist's opinion in the case file. In cases against the demonstration of Nazi symbols, the

conclusions of a specialist are mentioned in $\frac{2}{3}$ of the entire array, in cases against the 'Ukrainian group' - only in 56%.

Percentage of judgements with no reference to legal grounds for prosecution:

Russian legislation on countering extremism provides that symbols prosecuted under Article 20.3 of the CAO, if they have the status of extremist, must necessarily be supported by a court decision. In the extreme case, the court decision should relate to the banning of the very organisation using the symbolism in question. "In accordance with paragraph 4 of Article 1 of Federal Law No. 114-FL, the symbols of an extremist organisation are recognised as symbols, the description of which is contained in the constituent documents of the organisation, in respect of which the court has issued a decision, which has entered into legal force, on liquidation or prohibition of activities in connection with the implementation of extremist activities.

The regulatory basis for the definition of Nazi symbols is Federal Act No. 80-FL 'On Commemorating the Victory of the Soviet People in the Great Patriotic War' and the 'List of Organisations that Cooperated with Groups, Organisations, Movements or Persons Found Criminal or Guilty of Crimes in Accordance with the Sentence of the International Military Tribunal' provided for in that Act. The inclusion of an organisation and its paraphernalia in the list of Nazi organisations is done by means of separate orders of the Ministry of Justice, which have their own number and date of order.

Thus, when considering cases involving the display of symbols of Nazi or extremist organisations, one of the procedures of an independent court is to establish that the symbols in a particular case are similar to those used by organisations recognised as extremist or Nazi by a court or an order of the Russian Ministry of Justice. It seems logical to use a scheme in which a court, based on normative documents (a specific court decision or order of the Ministry of Justice), indicates that a certain organisation X is banned or listed as Nazi, and then, with the help of a specialist's opinion, establishes a connection between the display of specific symbols and the symbols of organisation X. However, the previous study found that courts in Crimea regularly neglect to verify that an organisation is indeed banned or listed as Nazi.

In this research, we took a more detailed look at how regularly courts ignore the need to justify their decisions by referring to documents that confirm the extremist or Nazi status of the displayed symbols. And, as it turned out, over the last year such decisions in the total mass under Article 20.3 were noticeably more than half (62%). The figures in the context of individual groups were almost the same:

- criminal movement - 60 per cent of decisions without reference to a normative act;
- supporters of Nazi ideology - 64 per cent of decisions without reference to a normative act;

- persons with pro-Ukrainian views - 62 per cent of decisions without reference to a normative act;

In many cases, published court decisions contain references to normative acts, as required, but the data on the number and date of the normative act are hidden, which excludes the possibility of verifying the content of the act and its relevance to the symbolism considered in this particular process. During the period under study at least one precedent was established when [Nizhnegorsk District Court](#) referred to the decision of the Supreme Court of the Russian Federation ACPI14-1292S, however, the court stated that the symbols in the case materials referred to an organisation not mentioned in the decision ACPI14-1292S. Thus, the court used a normative act, which has no relation to the situation under consideration, to justify its decision.

Existence of the court's efforts to verify/establish the motives for the demonstration:

In the previous research, it was noted that Crimean courts were less inclined to bring supporters of Ukraine under the scheme on the demonstration of Nazi symbols (relying on Article 6 of the Law 'On Commemorating the Victory of the Soviet People in the Great Patriotic War'). This is not least due to the fact that when approaching the 'anti-Nazi' legislation, the court must ensure that the demonstration was intended as propaganda, rather than actions 'which form a negative attitude towards the ideology of Nazism and do not contain signs of propaganda or justification of Nazism'.

In this research, we considered it important to examine whether Crimean judges in general make sufficient efforts to establish the intent of the offences. We expected such actions by the court when considering articles under Article 20.3 of the CAO, as the [position](#) of the Supreme Court of the Russian Federation on extremist criminal offences prompted us to expect such actions, the Plenum stressed that the crimes 'must be motivated not only by the fact of the appearance of a text or video file on the Internet, but also by the presence of intent and public danger'. And since the punishment under Article 20.3 provides, inter alia, for imprisonment, the position on criminal proceedings can in fact be considered appropriate in these cases. However, in any case, Article 2.2 of the CAO requires the court to determine whether the offence was intentional or negligent.

It is noteworthy that out of the 70 cases analysed, [only in one case](#) did the judge conclude that there were no 'clear signs of condemnation of the ideology of German Nazism'. However, both in the case of displaying Nazi symbols and in all other cases, the court did not divide offences into intentional and negligent. Thus, for example, in the Saki District Court, the person prosecuted [said that he did not know](#) about the meaning of the prohibited symbols ('black sun') and its belonging to the list of prohibited symbols, but the court did not evaluate this position. In another case, a person said that his social media page [had been hacked](#) by unknown persons, who had posted the prohibited paraphernalia. This position also indicates the need to

verify the existence of intent and the purpose of the offence. However, even in this case the court did not assess the position of the person involved. Thus, there is a systemic and massive procedural violation rooted in the practice of Crimean judges.

Conclusions:

1. Prosecutions for demonstration of Ukrainian symbols and paraphernalia under the guise of demonstration of Nazi symbols take place in much greater number than prosecutions for direct demonstration of attributes of Nazi Germany.
2. Prosecutions for displaying Ukrainian symbols and paraphernalia under the guise of displaying extremist symbols occur in significantly higher numbers than prosecutions for displaying other extremist paraphernalia, such as symbols of criminal subculture.
3. The penalties imposed by the court for displaying Ukrainian symbols and paraphernalia are noticeably harsher than for similar offences of displaying Nazi and extremist paraphernalia, and often have several related offences, which is not observed in cases that are not related to Ukraine.
4. The practice of public dissemination of apology videos is predominantly characteristic only of individuals demonstrating sympathy for Ukraine. Media publications about extremist offences are inextricably linked to the appearance of such videos (indicating a general coordination of information processes), and are also aimed at forming negative or aggressive attitudes towards those who display pro-Ukrainian views.
5. A number of procedural violations in the consideration of extremist cases are of a systemic nature and the percentage of such violations looks mostly even between different groups. The exception is the court's approach to the use of expert opinions - in cases with a Ukrainian orientation, the courts noticeably more often give an independent assessment, without resorting to external expertise provided for in the legislation for such procedures. This also indicates a discriminatory policy of court proceedings in cases of the 'Ukrainian group'