



Butting Away at the State

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Translated by Arch Tait

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¹ What is the fate of private individuals who take it upon themselves to challenge the Russian state?

On 2 November 2016, the court in Vologda sentenced Yevgeny Domozhirov to 40 hours compulsory labour. The National Electoral Commission declined even to consider the candidacy of Lyudmila Kuzmina for appointment to the Electoral Commission of Samara province. Local developers accused Antonina Stetsenko, an opposition local government deputy for Khimki in Moscow province, of ‘subversion’.

These are all people who once set their personal interests aside and tried to stand up for the interests of society. In each case, they felt that this was the only way they could retain their self-respect.

Human rights activist Lyudmila Kuzmina recounts her conversation with the Samara police with a smile. ‘I said to them, “There is Reymer, a former head of the Federal Penitentiary Service, who was the head of the Samara Police Department in the late 2000s, jailed for a million embezzlements, and here you lot are, still pursuing me for some sort of fines!’ The former head of Volga Vote, an interregional public foundation, describes her relations with the government with heavy irony. This evidently helps her to cope with a relentless witch-hunt (which today is a hunt for ‘CIA agents’), which has seen all the official institutions of Samara province, from the tax office to the public prosecutor, from the police to the investigative committee, persecuting a frail woman with such zeal you might suppose the movement to introduce honest elections was the greatest threat to the region. Through their efforts, Lyudmila Kuzmina’s apartment and car have been sequestered and her pension account has been frozen. By now she pays no attention to the endless denunciations and threats from ‘patriots’ of every shape and hue, or to the ‘investigations’ of her by government-controlled media. In the course of her life, she has seen this all before, but what makes it more difficult to bear now is the loss of hope that things may change.

“When, as a schoolgirl, Lyudmila read out the chapter in her textbook about the General Secretary of the CPSU, Nikita Khrushchev, her father said he was not a ‘general secretary’ but the third communist tsar.”

In the late 1980s, that is, during perestroika, Lyudmila Kuzmina was the director of a political reading library. She was one of the first people to come into contact with vast numbers of declassified documents about Russia’s twentieth-century history. The newly published facts largely confirmed what had been talked about within her family. When, as a schoolgirl, Lyudmila read out the chapter in her textbook about the General Secretary of the CPSU, Nikita Khrushchev, her father said he was not a ‘general secretary’ but the third communist tsar. He taught her to be critical of official information, often telling her things which contradicted generally accepted views.

The library was a place where people, who at the time were labelled ‘unsanctioned’ activists, met. Together they tried to digest the information about what the Soviet government had done to its citizens. Lyudmila was convinced that the best vaccine against a repetition of the past was for information about the ‘repression’ to be published widely. An exhibition on ‘The Lost Churches of Samara’ displayed photographs and other documentary evidence of the destruction of churches,

¹ This paper was written for the Russian Service of Radio Free Europe / Radio Liberty. It can be accessed at, Znamenskaia, E. ‘Oni bodalis’ s gosudarstvom’, *svoboda.org*, 9 January 2017, available at: <https://www.svoboda.org/a/28220283.html>

and a representative of the Baptist community told a meeting how, when he was a student at medical school, somebody denounced him to the Party committee, telling them he was a believer and unworthy to sit the exam on the history of the CPSU. Lyudmila Kuzmina's approach to perestroika unnerved the local authorities, and she was repeatedly summoned to the provincial Party committee to be asked the same question: 'What are you up to?' The only thing that saved her was the fact that perestroika had been declared by the leaders of the USSR; many of Kuzmina's initiatives were noted at national level. For an exhibition on the political history of the USSR, which followed the way in which the works of Soviet leaders, and encyclopaedias, had been edited at different periods, Lyudmila received the silver medal of VDNKh, the Exhibition of Achievements of the People's Economy.

"During one interview at the provincial committee, Lyudmila was warned that a KGB 'daddy' had been appointed to keep an eye on her."

When the Soviet Union was already on its last legs, a committee was formed in Kuibyshev with the aim of restoring its historical name of Samara. It took the Samara Committee members three years to achieve that result. Throughout this time, statutory bodies 'inspected' the library with commendable regularity, and Kuzmina was denounced

for allegedly defiling the memory of Valerian Kuibyshev, and other acts of 'anti-Soviet' wickedness. During one interview at the provincial committee, Lyudmila was informed that a KGB 'daddy' had been appointed to keep an eye on her, and warned she would be 'turned into prison camp dust,' if she did not back off. 'I lived in an old apartment block built in 1937 for NKVD officers,' Lyudmila recalls, and when I came in the entrance each evening after work, I remembered the archive documents I had read, and thought, "They really mean that." But the times were changing, we were all full of optimism and faith in the future, so their threats did not stop me.'

Kuzmina was, nevertheless, dismissed from her job at the library, on the grounds that she had turned an official institution into a den for unsanctioned political activists to meet in, instead of carrying out her official duties, was conducting a campaign to reinstate the old name of the city. During her lawsuit to get her job back, the judge came to her and said, 'This is not yet the dawn, only twilight. I am going to rule that you should have your job restored, but promise me you will not go back to it.'

Oleg Sysuev, the first mayor of renamed Samara, opened a political meeting centre, a kind of discussion space for political parties and community associations. Lyudmila Kuzmina became a consultant to the centre, helping to devise constitutions and draw up rules of conduct for operating this Noah's Ark. She describes the bustling political life of the 1990s as 'a window of opportunities', which was firmly slammed shut in the late 2000s.

"There was relative freedom of opinion in the provinces: the local business community had not yet been crushed and had its own views"

Kuzmina considers that the first wave of the stifling and bureaucratization of political life came in 1999, when the inspection committee of the Justice Ministry began closing down community organizations by the dozen. From then on everything worsened incrementally: there was a flood of 'inspections' by the law enforcement agencies, destruction of

independent mass media and charities, and the imposition of phoney organizations whose real aims and objectives were diametrically opposed to those of the associations they replaced. For a while there was relative freedom of opinion in the provinces: the local business community had not yet been crushed and had its own views, which it expressed, not least through independent mass media

and civic organizations. After the 2006 election of the mayor of Samara, local business was put firmly in its place. At that point, some fell silent, and others emigrated.

Over the last ten years, there have been constant denunciations and black PR against the Volga Vote Foundation for the Development of Civil Society, and against its leader, Lyudmila Kuzmina. 'I recently learned that the governor's planning meetings are attended by representatives of the FSB, the Investigative Committee, the Prosecutor's Office and the police,' says Lyudmila. 'Instead of discussing how to develop the local economy and improve citizens' lives, they plot how to fight against agents of the US State Department. For example, at a recent meeting they were all instructed to clamp down on anyone placing advertising in the *Samara Review*, to get them to stop.'

In June 2014 the Samara provincial office of the Federal Tax Service carried out an audit of Volga Vote for the years 2010-2012 and assessed additional tax due on 'profits' at 2,222,521 rubles. The foundation was also fined 401,101 rubles and surcharged 510,089 rubles. The grounds for these claims by the Tax Service are startling, even in this era of legal nihilism, for the liberties taken in interpreting the law. In July 2010, a contract had been signed between the Volga Vote Foundation and Vote Foundation for donation of some 11 million rubles to monitor elections under the Transparent Elections programme. The contract was signed on the basis of a cooperation agreement between Vote Foundation and the United States Agency for International Development (USAID).

"The ruling of the arbitration court reads more like a political manifesto."

One of the grounds on which the agreement could be cancelled and terminated was a decision at any time by USAID that the funding was not in the national interests of the United States. Termination of the agreement leads to refusal to transfer the agreed payments, and the return of previously transferred advances if these have not already been expended. In the opinion of the tax officials, this ground for cancellation moved the funds received out of the category of 'donation' and into the category of 'income', since in Russian law the only ground for termination of an agreement to donate is if the funds are being used for purposes other than those specified. Volga Vote Foundation appealed to the arbitration court to declare the Tax Service's decision in breach of the law, but the court found in favour of the Tax Service. The arbitration court's ruling reads more like a political manifesto:

'A donation must be applied to the public benefit. As indicated above, payments under the Agreement correspond to the national interest of the United States, that is, in the present instance, the Foundation, classifying payments under the Agreement as donations, is equating public benefit exclusively with the national interests of the USA. The national interests of one state may not coincide with the national interests of other states, and in this connection public benefit should take account of the national interests of the state in which an entity is undertaking its activities [...] By the national interests of the Russian Federation is understood the totality of the internal and external requirements of the state in providing for the security and stable development of the individual, society and the state (paragraph 6, "National Security Strategy", approved by decree of the president of the Russian Federation on 12.05.2009, No. 37 "On the National Security Strategy of the Russian Federation until 2020").'

In 2015, No. 18 Interdistrict Inspectorate of the Federal Tax Service filed a claim in the District Court of Samara demanding payment of surcharges and fines, only the defendant was not the Volga Vote Foundation but its executive director personally: Lyudmila Kuzmina. The court rejected the

claim, noting two blatant errors: misinterpretation by the Tax Inspectorate of the law, with consequent unjustified surcharging of tax due, and also a lack of any evidence that the funds had been misappropriated by the defendant or used for her own purposes. The court further commented on the abnormal choice of defendant, since the ruling by the Inspectorate named the Foundation rather than any individual. This ‘oversight’ was corrected in subsequent instances, the courts of appeal and cassation, which found in favour of an opposite ruling and ordered not the Volga Vote Foundation but Lyudmila Kuzmina personally to pay the state more than 2.5 million rubles (approximately 40,000 euros at the time).

In intervals between these court sessions, Lyudmila was having to go in for additional questioning by the investigator of particularly serious cases, since a criminal case had been opened against her in connection with non-payment. This was eventually dropped due to the statute of limitations.

“Well, what would you like to talk about today? Have you perhaps been reading Heidegger this morning?”

Today, Lyudmila Kuzmina has had her apartment and car confiscated and her pension account seized. This is apparently established practice on the part of court bailiffs. They first seize the account, then ask for a certificate to prove that payments into it are solely of a pension. They only forward the certificate to the bank after the pension has been paid, so that they can make off with two months’ pension payments.

Then, Lyudmila constantly receives visits from the bailiffs, threatening criminal prosecution for failure to comply with the court ruling, and from the police who, under their crime prevention brief, are obliged to conduct ‘prophylactic’ conversations with this ‘fifth columnist’. Kuzmina has worked out her own approach to these re-education sessions, and keeps conversation to a minimum. She will, for example, imperturbably ask the beat officer who comes round to make her see the error of her ways, ‘Well, what would you like to talk about today? Have you perhaps been reading Heidegger this morning? Or were you mulling over Plato during the night?’

The Samara branch of the (ultra-nationalistic) National Liberation Movement devotes almost all its appeals to the law enforcement agencies to the human rights champion and, on their little page in the social networks, the agencies themselves label these ‘a patriotic denunciation of foreign agent Kuzmina’. It has long been known that the author of these denunciations is a certain Dmitry Gurenkov, an ardent patriot twice convicted of drug offences.

Lyudmila Kuzmina admits that there are times when her heart sinks, but time passes and she returns to her social campaigning. ‘I am just aware that, if nobody says anything, other people will have nothing to hold on to. I assure you, plenty of people know exactly what is going on and their thinking is completely in tune with ours. Some day they will stand side by side with us, but that time has evidently not yet come. In an authoritarian state there is a high price to pay for standing up for what you believe in; not everybody is prepared to pay it, and that is why there are so few of us. For myself, I have made my choice. I have decided this is how I am going to live.’

‘I Feel Sorry for Our Great Nation’

A confident middle-aged man is orating in the courtroom, while managing simultaneously to stream the proceedings with his smartphone. ‘I consider you the kind of officer who just needs to be kicked

right out of the police force,' Yevgeny Domozhirov informs a policeman, 'because you are incompetent.'

"Meanwhile, Domozhirov has had four of his cars torched, and has twice been attacked."

This is pretty much how every court hearing proceeds which involves Yevgeny Domozhirov, leader of the Together movement. He allows himself to tell the court, the police and the Prosecutor's Office exactly what he thinks of them. The

police and prosecutors allow themselves to dream up whatever new misdemeanours they choose, and the judge allows himself to reach a verdict on the basis of their fantasies. In this particular case, Yevgeny gets 40 hours of compulsory labour for a rally he did not even organize. It is the latest trophy in his collection of convictions. At this moment in time, three criminal cases are simultaneously being brought against him, while his mother, Galina, is the defendant in another. Domozhirov has had four of his cars torched, and has twice been attacked: in 2013 he had his head broken with a bludgeon, and in 2016 he was shot with a Wasp stun gun. Yevgeny acknowledges that there is a certain weariness in his family at the constant aggravation, but his wife and five children are fully aware that what he is doing he does for them. He is protecting his territory. Domozhirov frequently repeats the words of Vereshchagin in the film *White Sun of the Desert*: 'I feel sorry for our great nation.'

Yevgeny Domozhirov was born in Vologda, graduated from Vologda University, and planned to become an official. Instead, however, he went into business and, 15 years later, by a strange concatenation of circumstances, that turned him into a campaigner for civil liberties, and then into a politician. Domozhirov never intended to get caught up in politics: it was politics that caught up with him. In spring 2009, long before Mayor Sergey Sobyenin set about his improvements in Moscow, Vologda Mayor Yevgeny Shulepov decided to demolish all his city's trading pavilions and kiosks. Of a thousand trading outlets, half were promptly demolished, with the loss of some 5,000 jobs. The city budget lost tens of millions of rubles in rental payments and tax.

"For a start, the local businessmen organized a rally, which attracted 300 people."

This brought about a coming together of the business community. Yevgeny Domozhirov also had trading pavilions and, when they decided to set up a steering group to negotiate with the city administration, his colleagues asked

him to join it. To begin with, the local businessmen organized a rally, which attracted 300 people. For Vologda that was a major event. The city authorities repeatedly tried to bog everything down in bureaucracy, and here Domozhirov's training in government administration came in useful.

'At our meeting with the vice-governor, we agreed there would be five-year leases for the ground the pavilions stood on,' Yevgeny recalls. 'We were issued with minutes of the meeting, in which there was no mention of this. I insisted on having the minutes amended. The second version noted that Domozhirov had raised the issue of five-year leases, but that was all. The third version, which I received only after telephoning the vice-governor, reflected what had actually been agreed, but it was only in the fourth version of the minutes that we had in writing that the vice-governor had taken a decision to grant five-year leases to traders.'

By the end of the year, the steering group had managed to negotiate not only cancellation of the demolition of pavilions but, for the first time in Russia, five-year leases for traders, which saved the traders from having to put together all the documentation every year and guaranteed relative stability for their businesses.

In 2010, together with like-minded Vologdians, Domozhirov set up Together, a regional human rights movement. At first they went along with the nineteenth-century ‘theory of small deeds’: in one place they helped to build an ice hill for the children, in another they de-iced a drinking fountain; they made sure the streets were cleaned properly. Within a year, however, they moved on, and decided to investigate corruption. Their first report scrutinized a billing centre which had been imposed on the city, whose beneficiaries turned out to be numerous city officials and legislative representatives. The report was a bombshell. A criminal case was brought on the basis of their findings, in which investigators proved that 19 million rubles (some 470,000 euros at that time) had been siphoned off the state. Those in the dock were, however, only the usual scapegoats: the manager of the billing centre and his deputy.

“You’ve been made an MP, now shut down your website, stop publishing your newspaper and calm down.”

After this episode, Domozhirov was invited to a meeting with the governor’s deputy in charge of internal policy and was made an offer that, in the opinion of the latter, he could not refuse: a job as head of a department in the government of the province or a mandate as a deputy of United Russia

in the Legislative Assembly of Vologda province. Domozhirov refused and, moreover, shortly afterwards their next report was made public. It investigated the property of the son-in-law of Governor Pozgalev, who was found to own 40 companies in different fields of construction. The governor’s enterprising son-in-law had devised an interesting scheme for selling liquefied natural gas, of which his company had acquired large quantities at a preferential price of approximately 4 rubles per litre. He was selling it to consumers, who were unable to buy it directly, at 12 rubles per litre.

In December 2011, the leader of Together was elected to the Legislative Assembly as a member of the party ‘A Fair and Just Russia’. Literally the day after the elections, he received a visit from party colleagues who explained the rules of the game: you’ve been made a deputy, now shut down your website, stop publishing your newspaper and calm down. Domozhirov ignored their advice and was soon facing his first difficulties: a criminal charge brought against him under Article 318 of the Penal Code, alleging he had tried to strangle a policeman at a pre-election rally.

“The irrepressible deputy tried to get an investigation into how loans were obtained under state guarantee and then simply never repaid.”

The investigation and court case lasted about a year. All the charges were based solely on police testimony. ‘The case materials contain only our video, which shows me to be innocent,’ Yevgeny relates. ‘By a strange coincidence, none of the official agencies had any video recordings. The surveillance cameras in the central square had failed to work

that day; the FSB had suddenly failed to post the security personnel mandatory at rallies; the Anti-extremism Centre had turned off its camera; and although the equipment at the press agency was working, they had forgotten to insert a cassette.’ During the court case, the deputy continued his investigations, and his new status conferred access to a great many more documents.

For example, Yevgeny discovered that the province’s budget was spending 300 million rubles (approximately 7.4 million euros at the time) on the hockey team of Alexey Mordashov’s Severstal company. After he made repeated requests, the subsidies ceased. The irrepressible deputy tried to get an investigation into how loans were obtained under state guarantee and then simply never repaid. Under this arrangement, the province’s poultry farms alone were ‘awarded’ several billion

rubles (many tens of millions of euros). To the joy of officialdom, Domozhirov was found guilty in the court action against him and automatically deprived of his legislative mandate. This, however, did not stop the Vologda activist, who continued his investigations.

“The number of criminal cases brought against Domozhirov and his family is growing exponentially.”

At public hearings in December 2015, when officials, in violation of their own regulations, declined even to consider 17 proposals from activists to increase the city’s green areas, Yevgeny Domozhirov called the deputy head of the city a ‘louse’. Very soon he was being charged under Article 319 of the Penal Code with publicly insulting a government official in the course of performance of his duties.

The number of criminal cases brought against Domozhirov and his family is growing exponentially, but he remains optimistic: coming out of the courtroom, he heads for a consultation with citizens, discussing on the way plans to protect another of the parks.

Antonina versus PIK Developers

‘The stereotype has it that activists are either paid troublemakers or losers,’ Antonina Stetsenko, an opposition deputy on Khimki Council, complains. ‘I was once asked straight out, “Are you getting paid to do this?” When I said no, I was immediately diagnosed as an idiot.’ She admits that initially this used to upset her a great deal, but then she decided it was up to each person to live by their own values.

“Then I clambered over a pile of felled trees and stood between the tractor and the trees.”

Antonina belongs to the generation of the 1990s, who were not pumped full of any ideology. She was not in the first wave of civically minded activists who defended Khimki Forest, because she did not see an urban forest as her own habitat. She reduced her environment to work, home and family, embarking on a kind of internal emigration. As she followed the news about Khimki Forest, Antonina felt the protesters were right, but that this was not her battle. She got on with her life.

That all changed in August 2013, when progress came to the trees growing near her home. ‘I came back and saw they were cutting down the trees near the apartment block I have lived in since I was a child,’ says Antonina. ‘At first I was just shocked and horrified, but then I clambered over a pile of felled trees and stood between the tractor and the trees. It was entirely spontaneous. I had no understanding at all of the consequences.’ She managed to halt the work. As no one was expecting protest from the residents, the workers did not even have a permit to cut down the trees.

Antonina got the bit between her teeth, and put everything she had into defending her grove of trees: she collected signatures for petitions, organized meetings, pickets and rallies. Within six months, her effectiveness was recognized when, at the request of the developer, PIK Region, the local policeman called her in for questioning. Antonina took a support group with her to this interview, because she had no idea what to expect. The builder had claimed in a statement that the activist was obstructing the company’s work, using bad language, and that as a result the company’s shareholders were being prevented from exercising their legal rights.

“From two residential districts we were able to gather only about a hundred people. We stood there and watched them cutting down the trees.”

After their official complaint to the law enforcement agencies, the developer went online. There were postings on every conceivable resource, claiming that the activist had been given an apartment by the developer and that residents should not trust her. The activists and residents nevertheless continued their fight to save the only green area in two residential neighbourhoods. They forced the local administration to take the issue to court, but the officials did everything they could to get the court to legalize development on the site of the grove. A year later, having obtained all the necessary permits, the developer went ahead and cut down some 300 trees. ‘We had a sense of despair and helplessness,’ Antonina says. ‘From two residential districts we were able to gather only about a hundred people. We stood there and watched them cutting down the trees we had spent a year trying to defend.’

In June 2015, Antonina Stetsenko was invited to an officially authorized meeting at Novokurkino, where PIK Region were again building up entire neighbourhoods. She made a placard reading ‘PIK Region strip trees for money wherever they can,’ and went to lend support to her fellow-sufferers. A month later she received a court summons: PIK Region had brought a civil action claiming the actions of Antonina and four other activists at the rally had caused the company losses of millions of rubles, and demanding that each should pay 23 million rubles (370,000 euros) as compensation for loss of profits and 10 million rubles (160,000 euros) as compensation for reputational damage.

“The calculation of loss of profits was based on a graph showing declining sales of residential property.”

The court hearings showed again and again how groundless the developer’s claim was. For example, in a language analysis submitted to the court, Stetsenko’s poster was said to read, ‘PIK has conned everybody’, while photos attached to the case showed a completely different poster. The calculation of loss of profits was based on a graph showing declining sales of residential property, and could certainly serve to illustrate the parlous state of the property market, but not that ‘subversion’ by activists had caused it.

Eventually, without explanation, the developer’s representative simply withdrew the claims against the activists at one of the hearings. That was the end of the story and those involved could get on with their lives. The developer continued to build housing without regard to infrastructure or acceptable norms for development of urban land. Antonina Stetsenko has become a deputy on the city council and defends the environment in which the citizens of Khimki live. She tries to introduce legislative initiatives in planning policy. It is distinctly possible that the saga of her relationship with developers is by no means over.



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