

Art Law Gallery

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[Forbidden Art Nyet! Russian Curator and Exhibitor Convicted for Controversial Art Exhibit](#)

In March 2007, the exhibition "Forbidden Art-2006" opened at the Sakharov Museum in Moscow, featuring twenty-three provocative works previously banned throughout Russia. Andrei Erofeev, known as Russia's most provocative curator, organized the exhibition and Yuri Samodurov, former director of the Sakharov Museum, provided the exhibit's venue. Both have been found guilty under Russia's Criminal Code for using the exhibit to incite religious and ethnic hatred.

Erofeev installed "Forbidden Art-2006" behind temporarily constructed walls with fitted peepholes, emphasizing the deliberate choice of the audience to view the forbidden works. The controversial works considered anti-religious, pornographic and offensive by the Kremlin, included an iconoclast image of Vladimir Lenin as Jesus Christ impaled on the cross and pious Christians worshipping Mickey Mouse instead of Jesus Christ.

Article 282 of the Criminal Code, entitled "Incitement of National, Racial, or Religious Enmity" targets extremism and states: "Actions aimed at the incitement of national, racial, or religious enmity, abasement of human dignity, and also propaganda of the exceptionality, superiority, or inferiority of individuals by reason of their attitude to religion, national, or racial affiliation if these acts have been committed in public or with the use of mass media, shall be punishable." In July 2010, a Russian district court found Samodurov and Erofeev guilty for conspiring to incite religious hatred under Article 282 of the Criminal Code and the parties were fined 200,000 rubles (U.S. \$6,483) and 150,000 rubles (U.S. \$4,862) respectively. Although not an acquittal, many considered the sentence to be light, especially since the government sought the maximum sentence of three years imprisonment for each defendant. Samodurov and Erofeev plan to appeal the sentence.

Human Rights Watch has launched a campaign in response to the guilty sentence, claiming Russian authorities have railroaded anti-extremism laws to suppress the freedom of speech. The organization further contends that while incitement to unlawful discrimination, hostility, or acts of violence may be outlawed under international law, such proscription must be limited in scope and the unlawful speech must promote the imminent execution of unlawful acts.

Human Rights Watch has documented several cases that illustrate a disturbing pattern wherein Russia has overtly and arbitrarily extended Article 282 in terms of its breadth and scope. In fact,

Mr. Samodurov was convicted and fined in 2005 for the same offense after the Sakharov Museum featured an exhibit titled "Caution: Religion!" which aimed to provoke discussion about the role of religion in modern society by featuring contemporary artwork reframing religious symbols. Further, a northern Russian blogger was convicted and given a one year suspended prison sentence for blogging about the corruption of Russian law enforcement officers, and contemporary artist Lena Hades was accused of violating Article 282 and kindling national strife for two of her paintings: *Chimera of Mysterious Russian Soul* and *Welcome To Russia*.

Freedom of speech activists are urging Russian President Medvedev, to suspend the use of Article 282 and narrow its application so that its scope is limited to speech that promotes the execution of unlawful acts. Further supporting the case is Russia's Minister of Culture, who has stated that Samodurov's and Erofeev's conduct was a perfectly legal expression of speech. Additionally, across Russia, museum curators promise to exhibit Forbidden Art-2006 in support of Samodurov and Erofeev. If Samodurov and Erofeev's appeal is successful, an appellate reversal has the potential to significantly impact the future of freedom of speech in Russia and to curtail the influence of Article 282.