

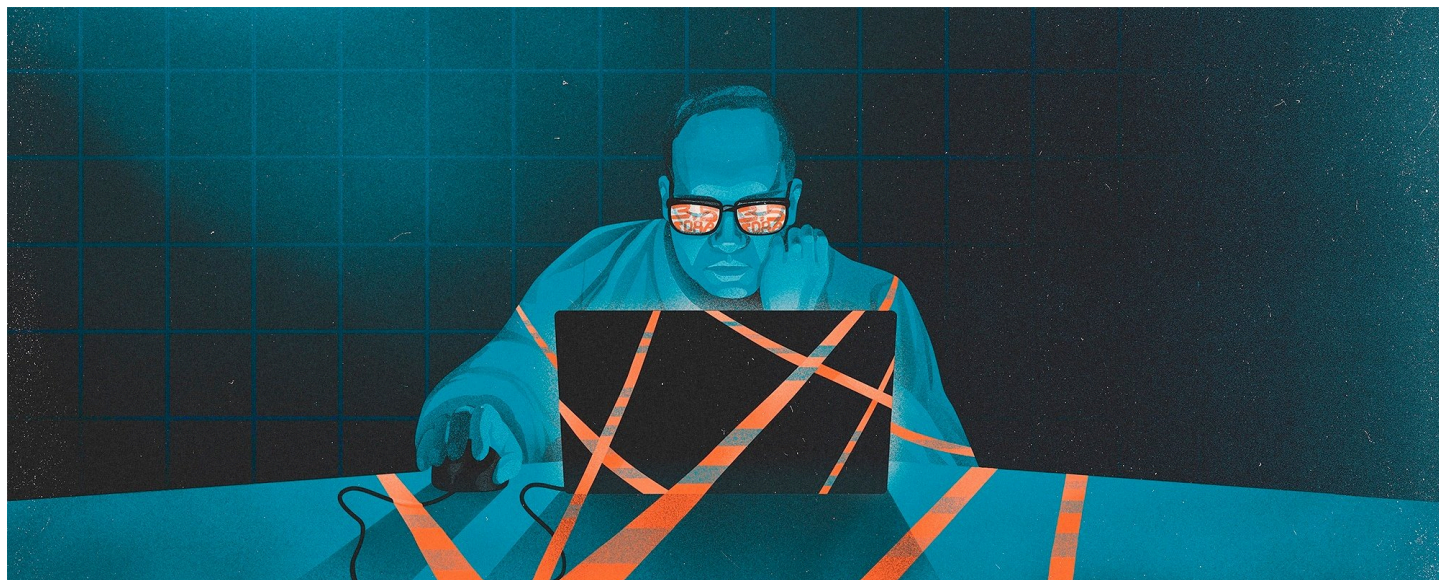


Illustration: Masha D. for OVD-Info

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ARTICLES

“This is what the Nazis did, not our own Russians.” 3.5 years in prison for posting on social media

In the summer of 2022, a criminal case for «justification of terrorism» was **initiated** against Andrey Biryukov, a resident of Voronezh (a regional centre in southwestern Russia). The man got detained after the search in the apartment where he lived with his grandmother and grandfather. He was sentenced to 3.5 years in prison. Two posts on the social network VKontakte became grounds for criminal cases.

ОБ ЭТОМ НИКТО НЕ УЗНАЕТ

Если об этом никто не напишет. Подпишитесь на регулярные пожертвования ОВД-Инфо, чтобы плохие дела не оставались в тишине.

ПОДПИСАТЬСЯ

Текст на русском

Andrey Biryukov is a physicist; in 2009, he graduated from Voronezh State University. According to his mother Tatyana, Andrey tried to find a job with his degree to no avail. Eventually, he established a website under a Ukrainian domain name. Biryukov sold advertisements and published news from Ukraine on the website. For the last few years, Andrey lived with his mother's parents and maintained close relationships only with them.

«My mom and dad are 82 years old. They have trouble moving around,» says Tatyana, «Andrey has been helping them with chores, he was buying groceries and ordering medicine. The thing is, I am on disability because of cancer, so sometimes I cannot help out my parent by myself. And they do not have anyone but me and my son.»

Tatyana's mother Anna considers her grandson Andrey to be a calm and good-tempered person. According to her, during his studies at the university, he got diagnosed with osteochondrosis, nerve damage and heart problems. Anna, who has worked as a paramedic for 40 years, got to treating her grandson: «You could say I nursed him back to health. I gave him injections of cerebrolysin and bought expensive meds. I did everything that an endocrinologist and a neurologist prescribed.»

In 2016 Andrey began participating in protests. In 2020 in Voronezh, he collected signatures against amendments to the Constitution. In 2022, after the start

of the full-scale Russian invasion of Ukraine, Andrey posted anti-war leaflets all over the city.

By the mother's account, he was arrested only once before — in May of 2022. Tatyana continues: «The police pinned hooliganism on him and detained him for four days.

Supposedly he insulted someone. I don't think that's true, because Andrey is not that kind of person. He has never caused any conflicts. He is usually even afraid to speak loudly when riding a bus.»

She does not know much about the criminal case against her son. At first, after Andrey got sent to the pre-trial detention facility, the police did not allow her or Andrey's grandmother to talk to him. «An investigator has told us that he may supposedly change his statements», recalls Tatyana.



Andrei Biryukov before his arrest / Photo from social networks

They came to Biryukov's house for a search on July 28. «It was 6:00 in the morning; we were all sleeping when we heard the ring, » recalls the grandmother. «Seven or eight men came in, all big guys. They said they were from the police and the Federal Security Service (FSB). As soon as they came in, they headed to the room where my little Andrey had been sleeping. They went through all our stuff; they didn't explain anything or show us their documents.»

In the room, the police officers and the FSB officers began sifting through the papers. According to Anna, they took away her grandson's diploma of higher education and several other documents. In the end, they gave the diploma back.

«We were all terrified that day, » Anna says. «After [the police officers] had entered the room, we [my husband and I]

approached the door. [Our grandson] wanted to come out to tell us something, but these blokes stood in the doorway and didn't let us in. As I understand, one of them even hit little Andrey on his neck. Then they told him to follow them. And so they dragged him, undressed and unwashed. He even had to put on his trousers on the run. It reminded me of the [Second World] war days. We were thrown out of our flat like that as children. They hit my grandmother on her head; she died; we were taken to a camp. This is what the Nazis did, not our own Russians.»

Immediately after the search, on Andrey's instruction, the grandmother turned to OVD-Info: her grandson wanted to attract public attention to his case. OVD-Info was unable to provide a lawyer as it doesn't work with the justification of terrorism cases. A state-provided lawyer initially represented Biryukov; later, Anna found him a new defence attorney whose work she covers for from her pension.

According to the new lawyer Georgy Lutzkevich, Andrey's prosecution was prompted by two posts on VKontakte. The first one was written in reaction to the court decision on the Voronezh activist Nadezhda Belova's case. In 2020, she was found guilty of justifying terrorism (part 2 of article 205.2 of the Criminal Code) and carried a fine of 400.000 roubles (approx. US\$ 5330). The case was initiated after a comment on social media; the woman was accused of justifying the anarchist Mikhail Zhlobitsky's suicide bombing at the FSB Office in the Arkhangelsk region.

In response to Belova's judgement, Andrey wrote that he didn't mind «terrorist attacks against state authorities and the so-called 'innocent' Russians». This post became the reason for initiation of the case of justification of terrorism (article 205.2 of the Criminal Code).

In the course of the investigation, the officers examined Biryukov's computer and his social media and found material to initiate another case; this time, for calls to extremism (part

2 of article 280 of the Criminal Code). The reason for that was the text Biryukov used for his status on VKontakte, «Death to Russia. Death to Russkies.» In the materials of the case (which can be found in OVD-Info's possession), it is stated that Andrey has posted a photo of the Ukrainian flag with the caption, «The Russian scum will squeal.»

«Taking into account that the posts [by my defendant] are practically copied from the articles of the Criminal Code, I offered him a choice: either he resists, as a brave soldier, and likely gets the longest possible sentence, or he pleads guilty. It is impossible to tell what the sentence would be then, but it would certainly be more humane. But if he didn't write what is being imputed to him, he should not admit to anything, » says the attorney.



Andrey Biryukov, November 2022 / Photo: Free People of Voronezh

At first, Andrey didn't want to plead guilty. Lutskevich claims that in one of his letters he asked his mother to contact OVD-info immediately and find him an attorney. His lawyer adds that at the extension of the preventive measure, the investigator presented this fact as Andrei's attempt to cooperate with extremist organisations (OVD-Info is not an extremist organisation). He claims that ever since then Biryukov never tried to contact human rights defenders and decided to take the deal from the prosecution.

Andrey calls his posts «spontaneous activism»: «I wrote about persecution of Putin's judges, made fun of the Immortal Regiment [a militarist Kremlin-endorsed project of remembrance of WWII veterans]. I disapproved of the laws, which allowed prosecuting people for their views and

opinions and consciously broke those laws. I practically did it for my own sake, I never thought anyone would notice».

Investigation was over by the end of September and at the same time the case was submitted to court. Psychological and linguistic examination (OVD-Info owns a copy) concludes that with his claim «Death to Russia. Death to Russkies» Biryukov expressed negatively about a group of people united by one nationality (Russians) and also critiqued the existing social and political system in Russia.

Besides, experts Grigoriy Marfin and Julia Hodyakova analyzed some other posts from his page and came across negative evaluation of Russian culture. Andrei claimed writers Dostoevsky, Pushkin and Bulgakov to be «imperial propagandists». Experts noted that the defendant formed this negative attitude towards the group «Russians» because many of its members support the government, while Andrei himself doesn't agree with the annexation of Crimea and disapproves of a lot of the Kremlin's actions.

The expertise says that the claim «Death to Russia. Death to Russkies» had two recipients. On the one hand, it «motivated» Ukrainians to violence towards Russians. On the other hand, it «informed the group „Russians“ about the possibility of negative consequences for their actions».

In November Andrei was sentenced to three and a half years in prison. At the end of January he had an appeal and the judge decided to leave the verdict unchanged. The defender asked to shorten the term, relying on the fact that the judge did not take into account all mitigating circumstances, for before the arrest Biryukov took care of his grandparents and helped his disabled mother. «The court considered these grounds insufficient. Then Andrei made a speech that left no chances for revision of the sentence» — tells his lawyer Lutskevich.

In his final word, Andrei claimed that he believed Putin's regime to be fascist and the Federal Security Service — a terrorist organisation. He is sure that all the judges and prosecutors will eventually be punished: «He's an adult. I warned him not to say this. When he went beyond legality in his last word, I interrupted him, saying that this might turn into a criminal offence. But he kept on going».

In a note that Biryukov sent via his lawyer, he refers to his court speech as a performance: «In the first part of my final statement I talked about the end of the political regime and about the responsibility that the judges, prosecutors, and investigative officers will have to bear for the political repressions. In the second part of the statement I have deliberately and demonstratively violated five articles of the Criminal Code and declared against the special military operation».



Lawyer Grigory Lutskevich, Andrei's grandmother Anna and his mother Tatyana / Photo: Free People of Voronezh

«That's what they did with the husband of my grandmother's sister under Stalin», says Andrey's grandmother Anna, «They took him for saying something wrong and shot somewhere outside Voronezh. But those were the Stalin years. We have Putin now. I have a lot of respect for him as our president».

She believes that she can get justice for her grandson only by reaching the officials of the highest instances. Anna has already written a letter to the head office of the «United Russia» party. In response, they informed her of forwarding her appeal to the Prosecutor General. The reply from the Prosecutor General was that they had nothing to do with the criminal case of her grandson.

When writing about the pre-trial detention facility, Andrey seems calm: «All windows here are barred. It's like a kindergarten — meals and sleeping time are scheduled. I've been looking into ascetic techniques and self-restriction, read stories of people who suffered persecution. It helped me to adapt to life here. We get up early — the lights in the cell are turning on. Finish breakfast — time for a walk. One hour in a room with bare walls and a bench. Entertainment — reading. Time after lunch — receiving letters and care packages. Shower is only once a week, but you can wash in the cell, using a plastic tub. The sanitary facilities are sectioned off. Bedtime is early».

Despite the appeal being rejected, Andrey still believes in the positive outcome of the case. In his last note from pre-trial detention he mentioned that the Russian government «is destroying itself through its inner absurdity».

«Placing words on the same footing as real extremist actions, the system grants magic power to a word, loses the difference between a symbol (a word) and its meaning (an action). I don't know if new criminal cases will be initiated against me, but I see it as a win-win situation either way: whatever happens, the system would demonstrate the crisis

that it has gotten itself into, as well as its inability to respond adequately. I am going under the tank to break it», he writes.

Karina Merkuryeva

ЧТО Я МОГУ С ЭТИМ СДЕЛАТЬ?

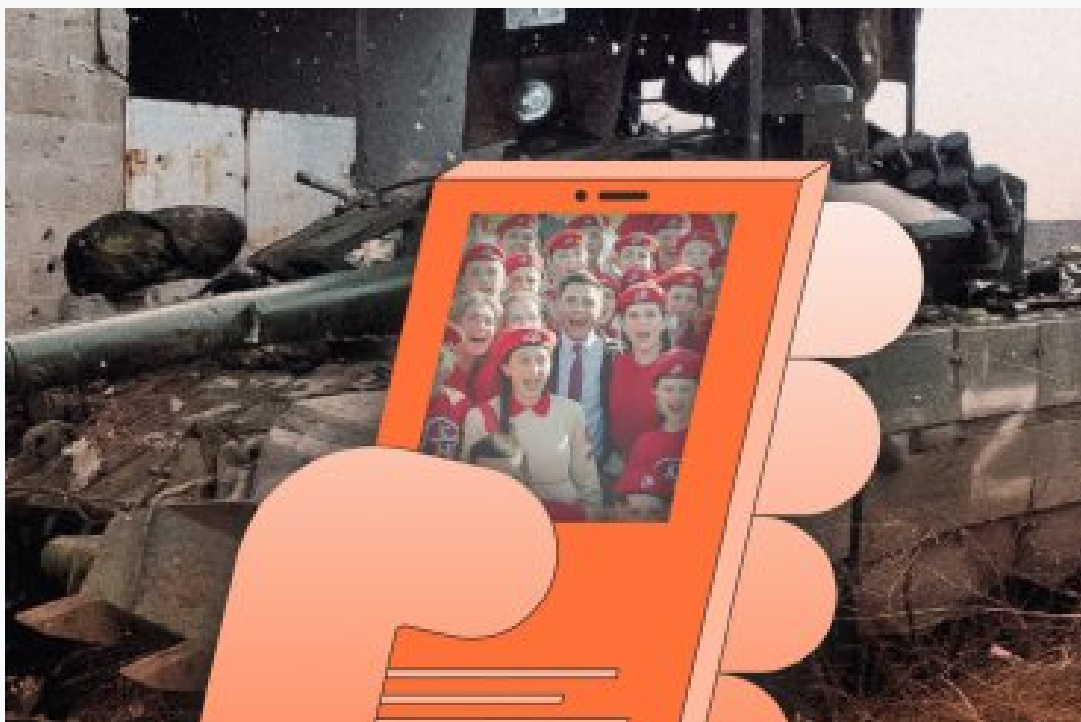
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ПОДДЕРЖАТЬ

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