



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Communicated on 26 September 2017

THIRD SECTION

Application no. 17942/17
Vladimir Vladimirovich LUZGIN
against Russia
lodged on 28 February 2017

SUBJECT MATTER OF THE CASE

The applicant shared a link through his VKontakte account to a text relating to it author's perception of the history of the Ukrainian Rebel Army. The applicant was then convicted of denying the facts established by the International Military Tribunal at Nuremberg and spreading false information about the actions of the USSR in the Second World War (Article 354.1 of the Russian Criminal Code). The applicant was sentenced to a fine of 200,000 Russian roubles.

QUESTIONS TO THE PARTIES

1. Has there been a violation of Article 7 of the Convention, in particular as regards the foreseeability in respect of Article 354.1 of the Criminal Code?

2. Was there a violation of Article 10 of the Convention? In particular:

(a) Was the interference "prescribed by law" and did the applicable "law" meet the requirement of foreseeability?

(b) Was the "interference" "necessary in a democratic society"? Could the text, fairly construed and seen in its immediate or wider context, be seen as a direct or indirect call (*by the applicant*) for violence or as a justification of violence, hatred or intolerance, for instance on account of sweeping statements attacking or casting in a negative light an entire ethnic or other

group? Could the text, directly or indirectly, lead to any harmful consequences?

(c) Did the domestic courts adduce “relevant and sufficient” reasons for the interference and base their conclusions on an acceptable assessment of the facts (see *Perinçek v. Switzerland* [GC], no. 27510/08, §§ 196-97, 204-08 and 212-20, ECHR 2015 (extracts) as regards pertinent general principles and factors, and *Terentyev v. Russia*, no. 25147/09, §§ 20-24, 26 January 2017 as regards the approach), in particular having regard to the requirements imposed on the domestic courts by the Plenary Supreme Court of Russia in its ruling no. 21 of 27 June 2013 (in particular, paragraphs 5 and 8)?