



Law and Discourse on Anarchist Activism: the Municipal Court in Prague

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Abstract

In April 2016, the Municipal Court in Prague sentenced Igor Shevtsov, a student anarchist activist of Russian origin, to two years of expulsion from the territory of the Czech Republic, for the crime of supporting others in spraying anarchist slogans onto a prison wall. Using this case, I analyse the discursive construction of the identity of ‘the accused’ in the criminal proceedings of this particular case. The analysis of the court judgement and the related texts (courtroom speeches and media coverage) is conducted from the viewpoint of the disciplines of linguistics (critical discourse analysis) and law (socio-legal research). I work within the framework of the discourse-historical approach (Reisigl and Wodak 2009: 87-121) and identify the nomination, predication, argumentation, perspectivisation/framing, and intensification/mitigation strategies (Reisigl and Wodak 2001: 31-90) employed by the prosecution, the judge and the defence. These include, for instance, references to Igor Shevtsov as ‘the accused’ or ‘the guilty’ and the topoi (and fallacies) of recidivism or utilitarianism. It is concluded that the sentence might have been influenced by another (unproven) accusation dealt with by the court: Shevtsov was also suspected of throwing a Molotov onto the family house of the Czech Minister of Defence. The court’s simultaneous dealing with the more serious charge discursively reinforced the construction of Shevtsov’s identity as a criminal, probably ‘guilty’ of a terrorist attack.

Key words: critical discourse analysis, the discourse-historical approach, judicial discourse, criminal verdict, the accused

1. Introduction

This paper focuses on the discursive construction of the identity of the accused in a particular criminal case, which was dealt with by the Municipal Court in Prague in the Czech Republic (‘MCP’ hereinafter) in April 2016. The accused was Igor Shevtsov, a student of Charles University in Prague and a national of the Russian Federation.

The main emphasis of this contribution is on how opposing identities are constructed throughout the trial: the accused Shevtsov is discursively constructed as guilty by the prosecution as well as by the judge, who is expected to be neutral. On the other hand, Shevtsov is discursively constructed as an ‘innocent scapegoat in a politically-construed trial’ by Shevtsov himself, his attorney, the anarchist (and mainstream) media and Shevtsov’s university lecturers.

It is neither surprising nor illegal that the parties to the criminal proceedings (the prosecution and the defence) take these opposing stances to Shevtsov's identity. Similarly, it is the legal job of the judge to choose whose narrative is to win. According to Wagenaar (1996: 267-270), the assessment of evidence in courtroom discourse is purely subjective, based on the evaluation of narratives, where evidence is 'nothing else but another narrative' (267). Some narratives may be believed even if there is no sufficient evidence or even if the evidence contradicts such narratives (Wagenaar 1996: 270-279).

In light of this this paper examines the narratives in the court verdict (including its official reasoning) in Shevtsov's case together with the interrelated courtroom speeches (of the judge, Shevtsov himself and of other participants) during the trial and comments in the media. A particular focus is on the discursive topics of the court verdict and on the employment of discursive strategies by the parties in the trial and by the judge.

2. Merits of the Case

The Municipal Court in Prague dealt in one trial (and in one hearing on the 27th April, 2016) with two charges held against Shevtsov. The subsequent verdict (and its reasoning) also concerned both charges (MCP 2016). Dealing with several charges against a single accused person is a normal legal procedure under Czech law (Code of Criminal Procedure: § 23), even if the acts are unrelated.

Crime 1: Shevtsov was accused of supporting activists in spraying anarchist slogans onto a remand prison wall, where other anarchist activists were held (while they were being investigated regarding serious crimes of terrorist attacks). Shevtsov was suspected of supporting the sprayers verbally and of guarding the place of the activity, while also filming the entire event. This demonstration took place in May 2015.

Crime 2: Shevtsov was accused of the crime of throwing a Molotov at the house of the Czech Minister of Defence (the house is located near the dormitory where Shevtsov was living at the time of the crime). This attempted arson happened in June 2015. In January 2016, Shevtsov was placed in detention, where he was kept until his trial in April 2016. The only evidence that was held against him in this accusation was a smell-trace on the bottle which was found in the garden of the Minister's house.

Shevtsov was acquitted of the charge of crime 2, because there was no other evidence apart from the smell-trace. However, he was punished for crime 1 very severely: by expulsion from the territory of the Czech Republic for two years.

Many people (including Shevtsov's university lecturers and former anti-communist dissidents) found the punishment disproportionately harsh and believed that it actually reflected the accusation of crime 2.

Shevtsov appealed to a High Court, which annulled the decision in July 2016: the punishment was mitigated to three years of prohibition of attending cultural and sports activities, including anarchist demonstrations.

3. Theoretical and Methodological Framework

3.1 Interdisciplinary Discourse Analysis

The methodological approach employed in this article integrates law and linguistics. I employ the discourse-historical approach (DHA), one of the approaches of CDA, within which ‘interdisciplinarity’ (a key theme for this special issue) is one of the leading principles (Reisigl and Wodak 2009: 95). Interdisciplinarity is also an inherent feature of my socio-legal analysis, because I adhere to critical legal scholarship, a discipline that is related to other fields by looking at how law works in society (Cryer et al. 2011: 77)

For the purposes of the DHA, a specific definition of the term ‘discourse’ is used (Reisigl and Wodak 2009: 89):

- a cluster of context dependent semiotic practices that are situated within specific fields of social action
- socially constituted and socially constitutive
- related to a macro-topic
- linked to the argumentation about validity claims such as truth and normative validity involving several social actors who have different points of view

My analysis is focused on the discourse around Shevtsov’s guilt. The discursive practices analysed in this paper are situated within the specific field of the court case. The outcomes of the court hearings influence the discursive practices and vice versa. I see the relatedness of these practices to the ‘macro-topics’ of immigration, criminality, anarchism and terrorism. In this analysis, the ‘social actors’ with different points of view are the accused and his attorney, the judge, university teachers, and the media.

3.2 Data

At the basis of DHA is the principle of ‘triangulation’, i.e. taking into consideration data from different genres and public spheres (Reisigl and Wodak 2009: 89). Therefore, this study deals with the text of the court judgement (including reasoning) which is assessed against the backdrop of related data from several other ‘genres’ (Fairclough 1995: 14). The interrelated texts are the statements of the judge, of the accused and of his attorney during the proceedings, the wording of the Czech Criminal Code and the Czech Code of Criminal Procedure, and the coverage of the issue by media.

The courtroom data assessed in this paper include:

1. The text of the verdict issued on the 27th of April, 2016 (MCP 2016)

2. Courtroom speeches:

- Video – court hearing on the 27th of April 2016 (Pánek and Nosek 2016)

3. Laws:

- Criminal Code
- Code of Criminal Procedure
- Charter of Fundamental Rights and Freedoms

The media data include:

1. Mainstream media releases:

- *Novinky* – 27th of April 2016
- *Respekt* – 1st of May 2016
- *iDNES* - 20th of July 2016 (iDNES 2016a)
- *iDNES* - 27th of September 2016 (iDNES 2016b)
- *Člověk v tísni* – 30th of May 2016

2. Anarchist media releases:

- *Bez cenzury* - 27th of April 2016
- *AntiFénix* - 27th of April 2016
- *A2larm* – 20th of July 2016
- *E 15* - 5th of May 2016

I assessed these sources in Czech language (original). All translations into English were made by myself. Regarding the video data, I made partial transcripts of the relevant speeches using the transcription system proposed by Ehlich (1993).

3.3 Three-dimensional Analysis and Discursive Strategies in DHA

The DHA is three-dimensional: firstly, contents and topics are assessed, secondly, discursive strategies are identified, and thirdly, their linguistic realizations are investigated (Reisigl and Wodak 2009: 93-94).

As for the first dimension, I analyse the structure of the court verdict, the topics appearing therein and the occurrence of the same ‘discourse topics’ (Krzyżanowski 2008: 170). The main ‘primary topics’ (ibid.: 171) include crime 1 and 2 and Shevtsov’s possible responsibility in these crimes. Some of the ‘secondary topics’ (ibid.) include the legal classification of the crimes, Shevtsov’s anarchism and possibly improper lifestyle as assessed by the court.

In the second and third dimensions of analysis, I adhere to the definition of ‘discursive strategy’ set forth by Wodak and Reisigl (2003): ‘[A] more or less accurate and more or less intentional plan of practices (including discursive practices) adopted to achieve a certain social, political, psychological, or linguistic aim’ (Wodak and Reisigl 2003: 386), or simply ‘systematic ways of using language’ (ibid.).

Five types of discursive strategies are differentiated:

1. Referential strategies are those which pose answers to the question of ‘How are persons named and referred to linguistically?’ (Wodak and Reisigl 2003: 385) In Shevtsov’s trial, these are for example references such as ‘anarchist’ or ‘student’.
2. Predication strategies, responding to the questions of ‘Which traits, characteristics, qualities and features are attributed to them?’ (ibid.), are aimed to label ‘social actors either positively or negatively, deprecatorily or appreciatively’ (Wodak and Reisigl 2003: 386). For instance, references to Shevtsov as a ‘good student’.
3. Argumentation strategies provide ‘justification and questioning of claims of truth and normative rightness’ (Reisigl and Wodak, 2009, 94), and construe condensed arguments (*topoi*) which lead to certain conclusions (Reisigl and Wodak 2001: 31-90). An example is the judge’s assumption that Shevtsov had taken part in illegal activities in Russia and therefore, he was probably responsible for the acts for which he was tried by the Czech court.
4. Perspectivation and framing strategies position ‘the speaker’s or writer’s point of view’ and express ‘involvement or distance’ (ibid.). An example of the employment of such strategy was the judge’s inspection of Shevtsov’s tattoos during the court hearing to point to his ‘improper’ lifestyle.
5. Intensification and mitigation strategies modify the ‘epistemic and deontic status of utterances’ (ibid.). In the text of the court verdict, these might include mentions of the seriousness of damage that could have been caused by the arson, if it was successful.

These discursive strategies are obviously interconnected. Referring to Shevtsov as an ‘anarchist’ already involves predications, which some people might find ‘depreciatory’ while others may find it ‘appreciative’ (Wodak and Reisigl 2003: 386). Similarly, the judge’s argumentation with Shevtsov’s previous criminal convictions in Russia could also be classified as perspectivation.

Many of the discourse strategies employed in the verdict are based on the court’s assessment of Shevtsov’s life-style. While the Czech Criminal Code allows the court to assess the life-style of the accused and to consider possible ‘proper’ lifestyle as a mitigating circumstance, it is shown in the analysis in this paper that such legal provision is problematic in itself and so is its exercise in Shevtsov’s case.

Through the identification of the strategies used by the parties in Shevtsov's trial and by other involved people, I am looking at the denominations of Shevtsov as guilty or non-guilty and at the discursive construction of his identity as such.

I do not question the accuracy of the court's assessment of the evidence. Rather, I inspect how the unproven accusation of crime 2 might have possibly contributed to the severity of Shevtsov's punishment for crime 1 and to the equation of the identity of 'the accused' with the identity of being 'the guilty'. According to Czech criminal law, there is a clear-cut distinction between the situations when these terms can be used: the suspect 'can be considered to be the accused [...] only at the moment when criminal proceedings have been started against him/her' (Code of Criminal Procedure: § 32); and, on the other hand '[u]ntil the moment when a person is pronounced guilty by a conviction judgement, it is not possible to view this person as guilty during the criminal court proceedings' (Code of Criminal Procedure: §2, paragraph 2).

Shevtsov was accused but never found guilty of crime 2, but through the employment of discursive strategies, his connection to crime 2 was established in the context of the trial for crime 1. Therefore, I assume that he was punished disproportionately severely for crime 1, of which he was both accused and found guilty.

4. Outcomes and Results

4.1 The Structure and Topics of the Verdict

The most noteworthy points regarding the structure of the verdict are the fact that the two crimes are not consistently separated from one another, crime 2 is described beyond what might be relevant and both crimes are officially classified as mainly directed towards property, even though the reasoning points to the possible political motives.

4.1.1 The inconsistent division between the two crimes

The verdict was issued on the day of the court hearing (27th of April, 2016). It consists of the court's decisions regarding crimes 1 and 2 and of the court's reasoning regarding the decisions on both crimes. The length of the individual parts is noted in Table 1.

Part of the verdict		Pages
A	Decision on crime 1 (demonstration)	1-2
B	Decision on crime 2 (arson)	2-3
C	Reasoning for decision 1	3-11
D	Reasoning for decision 2	11-25

Table 1: Structure of the verdict

The court dealt simultaneously with both crimes and the verdict concerns both. While the parts devoted to the two individual crimes are formally separated, they in fact overlap: the court frequently refers to the topics of attempted arson and terrorism in part C, even though this reasoning should only concern crime 1 - demonstration.

This is most noticeable in the summaries of testimonies in part C: witnesses 'R' and 'Z' stated that Shevtsov 'in their view, would not be capable of a violent act' of crime 2 (MCP 2016: 7). Similarly, witness 'B' assumes that 'the accused would not be able to attack the house of the Minister, because he [Shevtsov] was not interested in politics' (ibid.).

Through bringing up the discourse topics of crime 2 during the reasoning of the decision on crime 1, the court constructs Shevtsov's connection to crime 2 even though Shevtsov is acquitted of this crime later on in the same verdict.

4.1.2 Representation as economic or political crimes?

The Czech Criminal Code categorizes crimes according to the protected interest which they violate. In the examined verdict, crime 1 was classified as assistance to an action carried out to produce 'damage to somebody's property' and crime 2 as 'public menace'. The former crime belongs to 'crimes against property' (Chapter V of the Criminal Code), the latter is one of 'generally dangerous crimes' (Chapter VII of the Criminal Code).

For crimes against property, the leading feature is causing economic damage. For generally dangerous crimes, the most important property is causing serious threat to human health and lives or to property. According to the Czech Criminal Code, possible political motives to committing such crimes have no relevance when assessing their gravity.

The court frequently refers in the verdict to the political motivations of both crimes. In part A of the verdict (decision on crime 1), the court specifies the 'inscriptions' that were sprayed on the prison wall during the demonstration: "THE DESIRE FOR FREEDOM WILL NOT BE STOPPED BY REPRESSION" with the sign of an exclamation mark and with the symbol 'A' [i.e. Anarchism] written in a circle, [...], and 'DEATH TO THE STATE' with the sign of an exclamation mark and a little cross' (MCP 2016: 1).

In part C of the verdict (reasoning for decision on crime 1), the court specifies that the demonstration was held 'to protest against the detention and imprisonment of anarchist attackers' (MCP 2016: 5-6). However condemnable the support of imprisoned violent attackers may be, this circumstance should not be relevant to the crime of damaging property. Similarly, part C of the verdict states that during the demonstration, the participants were carrying banners with slogans such as 'solidarity against the persecution of anarchists' (MCP 2016: 7), and they were chanting phrases such as 'the resistance is alive' and 'the fight is continuing' (MCP 2016: 8). Additionally, the judge reasons the severity of the punishment for crime 1 with the possible political connotations of the action (MCP 2016: 9):

Based on the examined evidence, it is not possible to accept the argumentation of the defence that the social harmfulness of the actions of the accused Shevtsov

was so insignificant that it would be more appropriate to use [administrative law and punish him with a fine] instead. On the contrary, the social harmfulness of the actions of the accused, as compared to the description of actions in § 228, paragraph 2 of the Criminal Code is aggravated by the fact that the action was not simply ‘scratching on a wall’, rather, it was a manifestation of organized resistance.

Part B of the verdict (decision on crime 2) provides a detailed description of the crime of which Shevtsov is being acquitted at the same time. Apart from mentioning that the attacked house was owned by the family of the Minister of Defence, this part of the verdict does not bring possible political motives into discussion.

However, part D (reasoning for decision 2) deals thoroughly with the political circumstances of the attempted arson. It is stated that during the trial, Shevtsov claimed not to know that Martin Stropnický was the Czech Minister of Defence (MCP 2016: 12). Additionally, the verdict states that during the main hearing, Shevtsov ‘proudly identified himself with his anarchist views and even tried to demonstrate his views in front of the public’ (ibid.). Moreover, the verdict claims that the behaviour of the accused ‘on various demonstrations and other unauthorized actions’ is identical with the behaviour recommended by various anarchist servers, which also include manuals for the creation of Molotov cocktail (MCP 2016: 20).

Having in mind the importance that the court ascribes to the political features and possible motives for the crimes, it is questionable why the crimes were not assessed accordingly: crime 1 might have been more accurately judged as one of the ‘crimes against the order in public matters’ (Chapter X of the Criminal Code) and crime 2 could have possibly been evaluated as one of the ‘crimes against the Czech Republic, another state, or an international organization’ (Chapter IX of the Criminal Code).

4.1.3 Further analysis of topics – references to crime 2

The verdict contains a detailed description of crime 2, while Shevtsov is being freed of that charge at the same time. Although this is common practice in Czech criminal verdicts, it is questionable whether such practice is justifiable.

Part B of the verdict starts with the announcement that ‘Igor Shevtsov [...] is freed of the charge of the District Public Prosecutor’s Office for Prague 6 of 28 January 2016, file number 1 ZT 260/2015, for the act listed under point 1 of the indictment’ (MCP 2016: 2). In my view, such specification of the act should be sufficient and no further description of the crime is necessary.

However, part B continues with a lengthy description of the circumstances of the attempted arson (MCP 2016: 2-3):

- (1) which he was supposed to have had committed by his activity in the time period between 23:00 on 6 June 2015 and 04:30 on 7 June 2015 in Prague 6 [...], when he threw into the area of the garden of the family house [...] at least four closed beer bottles of the volume of 0.5 litres, out of which one remained intact, filled with automotive gasoline and with a mixture made from potassium hydroxide, [...] all that with the intent to cause fire on the house which would

spread uncontrollably, during which the sleeping persons present in the house would be facing the danger of death or of serious bodily harm, and during which damage on a third party's property would be caused to a large extent.

Especially because the verdict is an official document primarily related to the person of the accused Shevtsov, such treatment of the unproven crime in the text may not be appropriate, because it establishes a connection between Shevtsov and the unproven crime 2. Since the criminal act undoubtedly happened, the police and the prosecution will probably continue the investigation to find the real perpetrator. For such further investigation, the details of the crime discovered before Shevtsov's trial will be useful, however, it would be more appropriate to list them in a separate document that would not be so closely related to Shevtsov.

Even if we accept that it is necessary to further itemize the criminal act, beyond its specification by the public prosecutor's file number, the wording could be better in order to avoid suggesting that Shevtsov might be the perpetrator. Phrases as 'his activity' and 'when he threw' directly follow after a clause where 'Shevtsov' is the subject. Therefore, such expressions might be understood as indirect accusations of Shevtsov. In order to avoid such accusations, they could be replaced by 'somebody's activity' or 'when the unknown perpetrator threw'. Similarly, the specification of the perpetrator's intent to 'cause fire' and the 'danger of death' could be rephrased in order not to make the impression that these intents were held by Shevtsov.

Part D (the reasoning for the decision on crime 2) is disproportionately long in comparison to part B (the reasoning regarding crime 1). Surprisingly, there are no arguments that support the view that Shevtsov is innocent. Rather, the most frequent topics appearing in this part of the verdict are related to Shevtsov's affiliation with anarchist activism, his alleged lack of trustworthiness and 'indecent' lifestyle. Firstly, Shevtsov is criticized for denouncing the way in which evidence was gathered (MCP 2016: 12):

(2)

The accused interprets his rights in criminal proceedings (and, actually all the rights of a citizen in a democratic society) completely subjectively, without consideration of the corresponding rights of other subjects;

secondly, Shevtsov is, again, criticized for his tattoo (MCP 2016: 13):

(3)

Regarding the behaviour of the accused, he showed to the court a tattoo on his neck (A. C. A. B.) and on both his arms.

The verdict further explains that the abbreviation stands for 'all cops are bastards' and thus the tattoo can be interpreted as Shevtsov's disrespect to the Czech Republic. Following that, testimonies are summarized, but most of the witnesses (mostly the family and neighbours of the Minister of Defence) do not remember anything significant from the night of the crime. Finally, the verdict includes expert opinions. Those from the fields of chemistry and biology are mostly focused on the chemical composition of the Molotov

cocktail. A telecommunication expert disconfirmed any activity of Shevtsov's mobile during the crime, but the court adds to that (MCP 2016: 13):

(4)

With regard to the fact that it was not proven that the accused regularly uses his mobile [...] no relevant conclusions can be drawn.

Thus, the disproportionately long (compared to crime 1) reasoning related to crime 2 does not include much information which would support the acquittal. The reasoning is more centred on Shevtsov's possible guilt in the act rather than his innocence. On the other hand, most of the information listed to illustrate Shevtsov's possible guilt detriment is not factual. As there is clearly no convicting evidence, such information is more of the nature of value judgements. Therefore, even though Shevtsov is being acquitted of crime 2, the text of the verdict still establishes his connection to the attempted arson.

4.2 Discursive strategies

4.2.1 Referential and predicational strategies: guilty perpetrator or innocent student?

Referential and predicational strategies (as explained in section 3.3) are presented together, because they are interconnected. Most references contain predications because pure 'referential identification' already involves labelling (Wodak and Reisigl 2003: 386). The most important references to Shevtsov in the text of the verdict are summarized in table 2. I group them under four major 'macro-strategies' (Wodak *et al.* 2009: 3).

Type of reference (macro-strategy)	Linguistic realizations
Alleged perpetrator	<i>the accused</i> (5), <i>guilty</i> (6)
Student	<i>student of Charles University</i> (2), <i>successful student</i> (1), <i>dispossessed student</i> (1)
Foreign citizen	<i>citizen of a foreign state</i> (1), <i>not a citizen of the European Union</i> (1), <i>citizen of a democratic country</i> (1), <i>born in the Russian Federation</i> (2), <i>national of the Russian Federation</i> (4)
Anarchist	<i>anarchist</i> (1), <i>member of the anarchist movement</i> (3), <i>supporter of the militant movements of the European anarchist scene</i> (1), <i>member of the radical branch of an anarchist organization</i> (1), <i>holds anarchist views</i> (1)

Table 2: Referential strategies (exact citations from the verdict text are listed in italics, the numbers of occurrences are in brackets)

I call the first identified macro-strategy ‘the alleged perpetrator’. This comprises the terms that imply Shevtsov’s guilt or at least establish some connection to guilt. The references used in the verdict are appropriate to the stage of the legal proceedings and are used with legal precision by the judge. However, Shevtsov’s attorney, Pavel Kožoušek, allegedly criticizes the judge’s employment of such references. Even though there is no explicit reference to Shevtsov as ‘guilty’ in the court hearing (before guilt was proven), PK claims that (iDNES 2016a):

(5)

The court speaks of him as of the perpetrator, even though the court did not succeed in proving his guilt in that act.

Such criticism is ungrounded, because the judge strictly adheres to the terminology required by law. Shevtsov’s connection to the crimes is implied by the structure and contents of the verdict (see analysis in 4.1), but not by these legal terms referring to him. However, it needs to be admitted that the terms that are used do not sound entirely neutral and the question is whether the law should set forth a different system of terminology.

Shevtsov’s attorney further reinforces the discursive construction of Shevtsov as a victim of the trial in his comments made to the mainstream media after the appeal court mitigated Shevtsov’s sentence (iDNES 2016a):

(6)

His social life will be permanently affected. He must repeatedly explain that he did not commit the act and that he even could not have done so. [...] He faced great pressure and stressful situations and it is almost certain that the consequences of custody will haunt him till the end of his life.

Furthermore, Shevtsov’s attorney contributes to the construction of Shevtsov as the victim when he mentions that (iDNES 2016b):

(7)

a young, innocent person has been marked as a terrorist.

Thus, the attorney constructs Shevtsov’s identity as innocent, while also claiming that Shevtsov’s identity might have been constructed as exactly the opposite in public discourse. Even though such depiction of the accused is the expected role of the defence lawyer, it is doubtful, whether such criticism of the court (as in extract 5) is substantiated. Regarding the terminology, the verdict does not step outside of what is expected by the law. It would probably also be appropriate to call for the law to require that acquitting verdicts be worded differently - in a way which does not imply guilt on the side of the person being freed of the charge.

The second referential macro-strategy is that of a ‘student’. The information that Shevtsov is a student does not have any relevance for either of the crimes. In spite of that, the term is repeatedly stated in the initial part of the verdict. While such characterization of Shevtsov might be neutral, it is used rather depreciatively by the judge in the latter parts of the verdict and during the court hearing: as I show in the paragraphs below, the court takes the fact that

Shevtsov is a student as evidence that he is financially dependent on his parents and at the same time exploiting the Czech educational and legal system.

Shevtsov's student status is mentioned when the court lists reasons for the punishment of expulsion. Other alternatives (such as suspended prison sentence) are dismissed as too strict and a 'pecuniary penalty' is found inappropriate due to the fact that Shevtsov is a (MCP 2016: 10)

(8)
dispossessed student who lives mainly on the money of his parents.

Later on, the verdict elaborates on Shevtsov's financial situation and mentions that Shevtsov explained that he did not take on any part-time jobs due to the complexity of his studies. The court finds the claim of difficult studies ungrounded, because the university has (MCP 2016: 13)

(9)
evaluated Shevtsov as a successful student

and because the university confirmed that he only spent 4 hours a day in classes.

While the fact that Shevtsov is a student is employed as a negative reference by the judge, it is used as a positive predication by some others. Some of Shevtsov's university lecturers supported him in the hearing in front of the appeal court by stating that he was a good student (iDNES 2016a):

(10)
Marek Jakoubek described him as an excellent, responsible and diligent student who passed all his exams on the first attempt. He knows him as a modest person who rather loathes violence.

Picturing Shevtsov as a good student was a strategy in his favour used by Petr Píša, the judge of the appeal court, who mentioned that 'the accused studies properly and is a good student' (ibid.).

Throughout the verdict, the construction of Shevtsov's identity as possibly guilty is connected with the depictions of his as (MCP 2016: 4)

(11)
a member of the anarchist movement, [who] sympathises with the militant movements of the European anarchist scene [while] these organizations are part of the radical anarchist scene.

Furthermore, it is stated (MCP 2016: 5) that Shevtsov's

(12)
affiliation with the anarchist movement is further demonstrated by the accused not only through his views, but also through the numerous tattoos on his body, including the inscriptions on his arms and neck, on which he has a tattoo of letters A.C.A.B., that is the abbreviation of the mocking inscription 'All Cops Are Bastards'

The referential macro-strategy of Shevtsov as an ‘anarchist’ is closely related to the references to Shevtsov as a ‘foreign citizen’. In the context of the trial, they both contribute to the overall impression of him as the ‘dangerous other’ (Stoegner and Wodak 2016: 193). The judge’s comments throughout the trial depicted Shevtsov as a foreigner who exploits the educational opportunities of the Czech Republic while he disrespects the state: during the court hearing, Shevtsov was asked whether he had intended to harm the Czech Minister of Defence when he had allegedly thrown the Molotov onto the Minister’s house. Shevtsov replied that he had not even known that the Czech Republic had a minister of defence, which was followed by laughter in the audience. The judge commented on this (Pánek and Nosek 2016: online):

(13)

Do you find it funny that a university student does not know what state representatives we have on the highest level and he wants to study here for free? I personally do not find it funny.

Shevtsov’s defence (the attorney Pavel Kožoušek) on the contrary, according to a mainstream online newspaper favouring anarchist movements *A2larm*, holds the view that (Němcová et al. 2016)

(14)

if he was not a Russian and an anarchist, the act [crime 1] would be legally apprehended as a misdemeanour rather than a criminal act.

Obviously, it is the defence lawyer’s job to find such arguments in his client’s favour. However, through the analysis of the referential strategies employed by the judge, especially those of an ‘anarchist’, ‘foreign citizen’ and ‘student’ I have attempted to show that the defence lawyer might have a valid point, at least to an extent.

Furthermore, the predicational strategies employed in the text of the verdict are closely connected with the referential strategies examined above. By further elaborations on them in the verdict itself and in the interrelated texts of courtroom speeches and media coverage, Shevtsov is depicted by both sides of the case as living an ‘improper’ life and capable of violence or as a mild, non-violent and decent person.

The verdict employs predications which link anarchism with violence on several occasions. Shevtsov is referred to as (MCP 2016: 4)

(15)

a member of the anarchist movement which fights against right-wing oriented governments, market economy, the so-called capitalist system and the pro-American politics,

Later on in the verdict he is portrayed as a ‘supporter of the militant movements of the European anarchist scene’ (ibid.) and a member of the ‘radical anarchist scene’ whose supporters ‘call for the fight against the political system through violent means’ (ibid.).

The online anarchist newspaper *AntiFénix* (2016) claims, on the other hand, that being an anarchist implies a peaceful personality :

(16)

As if anarchists ever attacked children or family members of ministers or anybody else.

Furthermore, according to *AntiFénix* (2016), the Czech Minister of Defence as well as the court should understand that anarchist activists are non-violent, because one of the Minister's children is an anarchist activist:

(17)

It is even more absurd in a family about which it is well-known that another child of theirs has very close personal ties with some people from anti-authoritarian circles.

As mentioned above, predicational strategies are mostly involved in references. The predications connected with anarchism have been herein treated separately, because they add further qualities to Shevtsov identity as an anarchist.

4.2.2 Argumentation

I have identified four main argumentative strategies (*topoi*) in the text of the verdict. I name them 'recidivism' – i.e. Shevtsov has previously violated law on many occasions and thus he is likely to be responsible for both crimes 1 and 2; 'pro-Russian activism' – i.e. Shevtsov is a Russian citizen and a left-wing oriented anarchist who is likely to have committed a terrorist act against the Minister of Defence of the Czech Republic, which is a member of NATO and thus a military enemy of Russia; 'utilitarianism' – i.e. Shevtsov is an instrumental person who uses the resources available to him in the Czech Republic to his good, and thus is not trustworthy; and 'no better explanation' – i.e. there is no better explanation to crime 2, there is no other suspect and Shevtsov himself cannot explain the crime.

Type of argumentation macro-strategy	Conclusion rule
Recidivism	Shevtsov has previously violated law on many occasions and thus he is likely to be responsible for crimes 1 and 2.
Utilitarianism	Shevtsov has integrated in the Czech society, which he uses to his advantage, and this makes him untrustworthy.
Pro-Russian activism	Shevtsov is a left-wing oriented Russian citizen who is likely to have committed a terrorist act against the Czech pro-American government.
No better explanation	Nobody (including) Shevtsov can offer a better explanation of crime 2 than it having been committed by Shevtsov.

Table 3: Argumentation strategies

Regarding recidivism, the verdict mentions Shevtsov's previous violations of Czech law (MCP 2016: 5):

(18)

It has been proven that the accused together with other anarchists regularly participates in unauthorized demonstrations, [while] it is a common behaviour among the participants of such demonstrations to cover their face with the intent to disable the authorities to identify the perpetrators, and the accused was [...] found guilty of this misdemeanour;

as well as violations of Russian law (MCP 2016: 17):

(19)

the court has discovered that the confiscated documentation contains a significant number of photographs and videos [...] of demonstrations, including violent resistance to the state organization, both in the territory of the Czech Republic [...] and in the territory of the Russian Federation.

As a counter-argument Shevtsov pointed out in his final speech in the courtroom that his participation in anarchist demonstrations in Russia cannot be viewed as a proof that he would be capable of crime 2 (*AntiFénix* 2016):

(20)

And in order to prove that I am a so-called extremist, the argument is used that I was accused of irregular demonstrations in Russia, but nobody asked me what the demonstrations were aimed against. Because the answer is that I protested against the occupation of Crimea and Putin's imperialist government. This fact completely contradicts any ideas about my motives as an offender or as a pro-Putin or a pro-East terrorist.

Thus, Shevtsov's counter-argument to 'recidivism' is that his previous participation in demonstrations (at least those in Russia) should rather serve as evidence that he would not be likely to attack the Czech Minister of Defence.

This leads us directly to the second macro-strategy of 'pro-Russian activism'. The argumentation in the verdict points to Shevtsov's Russian nationality and his left-wing (and even communist) views and these are taken as evidence that Shevtsov would be likely to attack the Czech Minister of Defence, because the Czech politics is currently 'right wing oriented' and 'pro American' (MCP 2016: 4).

The verdict states that (MCP 2016: 4)

(21)

documentation with Russian inscriptions has been found with him which is a proof of the fact that the accused is a member of anarchist groups (ranging from anarchist environmentalism to anarchist communism) in the territory of his homeland of Irkutsk.

Shevtsov's final speech in the courtroom (as cited above) also addressed this argument and used what I call a 'reversed argumentation of pro-Russian activism'. According to Shevtsov, the fact that he supports anarchist and left-

wing views should not lead to the conclusion that he is a supporter of Russian (Putin's) politics.

Some of the people speaking out in Shevtsov's support also employed the reversed argument of pro-Russian activism when they mentioned that the deportation of Shevtsov back to his home country might pose a significant danger for him, because he had been politically active against Putin's regime. Such was the public statement released by the humanitarian organization *Člověk v tísní* (i.e. *People in Need*) (2016:online):

(22)

We do not want to judge the guilt or innocence of Mr Shevtsov, but we would like to draw attention to the danger he will be exposed to by the court's decision to expel him back to Russia.

The third important strategy is that of 'utilitarianism'. This directly follows from the nomination strategies examined above regarding Shevtsov being a foreign student. The fact that he has mastered Czech and is able to study humanities on the highest-ranking institution in the country is used against him as the evidence that he has 'sneaked in' to the system for which he has no respect (MCP 2016: 13):

(23)

It is undoubtable that the accused has acclimatized very well and has acquainted himself with all the possible ways of avoiding authorities and he skilfully uses to his good all possible gaps in our law. The intelligence of the accused is further proved by the positive evaluation he was given by the university he attends – the Faculty of Arts of Charles University.

These circumstances are mentioned in the verdict to point to Shevtsov's untrustworthiness, after a thorough list of all the changes that Shevtsov has made to his testimony throughout the trial.

Finally, through one of the argumentation strategies, Shevtsov is linked to crime 2, even though he is acquitted of it, because the court is not able to identify a more probable perpetrator. I call this the argumentation strategy of 'no better explanation'.

During the court proceedings, Shevtsov is asked for the explanation of how crime 2 could have happened, if it was not committed by him: there is no convincing evidence against Shevtsov, apart from the smell trace on the Molotov bottle, which alone is not sufficient to prove that Shevtsov is guilty. Even though there are not enough facts to prove that Shevtsov has any connections to the Molotov bottle, he is asked about it. This is contrary to the principle that 'nobody should be forced to prove his/her innocence' which is explicitly stated in the Czech constitutional law (Act No 2/1993, Coll., Article 40). Shevtsov is actually asked to prove his innocence by the prosecutor (Pánek and Nosek 2016: online):

(24)

Do you have any idea how your smell trace could have got onto the Molotov bottle?

as well as by the lay judge of the same court Jiří Hejný (Pánek and Nosek 2016: online):

(25)

Do you know how to make a Molotov cocktail?' 'Did you know what is the position of mister Martin Stropnický [the Czech Minister of Defence]?

4.2.3 Perspectivation/framing and intensification/mitigation

The perspectivation and framing strategies employed by the judge in the case are comments on Shevtsov's political views and life-style preferences, which are used to suggest that Shevtsov leads an improper life and the aggravated seriousness of the examined deeds, only some of which were provably committed by Shevtsov.

These include comments on 'numerous tattoos on his body' (MCP 2016: 5) and the presence of beer bottles in his dormitory room (2016: 17):

(26)

Based on the protocol of the search warrant [...] of the dorm room of the accused [...] the court has found that in spite of the proclaimed alcohol-abstinence of the accused, there was a significant number of beer bottles stored in the room, out of which at least two are of an identical type as those which were, after a proper adjustment, used for the arson.

The court also mentions the presence of Shevtsov's friends in the court room as a circumstance contributing to the negative assessment to Shevtsov's personality, while by law, the composition of audience should not have any relevance for the assessment of a case. According to Czech criminal law, almost all criminal proceedings are public (Code of Criminal Procedure: § 2, paragraph 10), and the accused person is not responsible for the structure of the general-public audience who decides to attend. The reasoning for the court verdict states (MCP 2016: 4-5):

(27)

The accused does not deny his political orientation, he proudly declares to be of such orientation and he attempted to demonstrate his anarchist views even during the main court proceedings, during the presence of the public, which was mainly constituting of similarly oriented sympathisers (some of which were pictured in the photographs of public meetings which had not been reported to authorities in advance).

Shevtsov's anarchist supporters, on the other hand, claimed that perspectivation and framing were the most significant strategies of the court which contributed to the severity of the punishment. According to the anarchist newspaper *AntiFénix* the judge mentioned several facts about Shevtsov's lifestyle to illustrate his alleged improper lifestyle and even twisted them to be used against Shevtsov. This, according to *AntiFénix* (2016), included the disapproving comments of the judge on Shevtsov's tattoos, the court's questioning of Shevtsov regarding a picture found in his mobile (Shevtsov's own feet on a doormat with a design of the US flag) and the court's

mentions of Shevtsov's previous problems with the law in Russia, due to his participation in political demonstrations.

Together with the discursive strategies of perspectivation and framing, the strategies of intensification and mitigation contributed to the construction of Shevtsov's identity. The intensification and mitigation strategies were focused on the gravity of the alleged crimes and the severity of the imposed punishment.

The court pointed at the gravity of crime 1 by stressing its political importance beyond 'scratching on a wall' (MCP 2016: 9). In the assessment of crime 2, the verdict focuses on the danger to human health and property (2016: 3):

(28)

danger of death or of severe injury to health, or damage to property on a large scale by causing fire.

However, as noted above in section 4.1, there is no reason for stressing the gravity of crime 2 in the verdict concerning Shevtsov, where Shevtsov is being acquitted at the same time.

Petr Piša, the judge of the appeal court, on the other hand, subsequently found the severe punishment of expulsion unsubstantiated (iDNES 2016a):

(29)

The banishment would be a significant intervention into his personal life and studies. With regard to these circumstances, we have come to the conclusion that it [expulsion] is a disproportionately strict punishment.

Even though the judge's use of language is in accordance with the law, it contributes to the discursive construction of Shevtsov by his supporters who viewed him as being punished too severely for crime 1.

5. Conclusions

The structure of the verdict and the discursive strategies employed throughout the trial, especially when assessed against the background data of courtroom speeches and media coverage, reinstate Shevtsov's connection to crime 2, even though he is being acquitted of the crime. This is probably also due to the fact that the crimes were dealt with in a single court hearing and in one verdict. Such practice is legal under the Czech criminal law, but it might have contributed to the discursive construction of Shevtsov as being guilty of crime 2 (attempted arson).

Such discursive construction might have led to the severe punishment for crime 1, while the main strategies employed by the court were based on the court's assessment of Shevtsov's personality as not living a 'proper life' and being violent and instrumental. There are legal grounds for the court's assessment of the personality of the accused, but such provisions are far from being unproblematic in themselves and so was their application by the court in Shevtsov's case. The Czech Criminal Code lists in § 41 all possible mitigating

circumstances, which allow the court to punish the perpetrator by sanctions less strict within the range admissible by law. One of such mitigating circumstances is that ‘the perpetrator [...] had been living a proper life before committing the crime’ (Criminal Code: § 41, letter o). However, the assessment of what is to be apprehended under the term ‘proper life’ is highly subjective and is left solely in the court’s discretion. Additionally, in Shevtsov’s case, the court did not deal with the assessment of his personality as a possible mitigating circumstance. Rather, Shevtsov’s ‘improper’ way of life was mentioned throughout the verdict without any obvious legal reason.

According to Radomír Dolanský (2016: online), a reporter of the newspaper *Bez cenzury* (i.e. ‘Without censorship’), the process was a ‘political’ one, which was construed to demonstrate the ‘danger’ posed at the Czech Republic by Russians.

Not only anarchist, but several mainstream newspapers and magazines supported the view that Shevtsov was an innocent victim of a construed political trial. According to Honza Kuliš (2016: online), a reporter of the student e-magazine *E15*, ‘the entire case gives the impression that the police and the prosecution were not looking for the culprit of the arson attack, rather they were looking for a reason to punish Shevtsov’. Similarly, the non-anarchist (mainstream) weekly magazine *Respekt* criticises the court verdict for sentencing Shevtsov for the minor offence of filming the spraying of the prison as if he were a ‘terrorist’ (Čápková 2016: online).

The overarching legal principle which is relevant to Shevtsov’s situation is the principle of presumption of innocence. It is anchored in the Czech Constitution in the Charter of Fundamental Rights and Freedoms (Article 40: paragraph 2): ‘Anybody, against whom criminal proceedings are conducted, is considered to be innocent, until his/her guilt is pronounced by the final conviction’. This rule is also stated on the international level, in the UN’s Universal Declaration of Human Rights (Article 11).

Regarding crime 2, there was not enough evidence to prove Shevtsov’s guilt. According to the principle of presumption of innocence, Shevtsov was legally assessed as not guilty with regard to this act and was freed of the charge for crime 2 by the court’s verdict. The wording of the verdict strictly adheres to the legal usages of the terms ‘perpetrator’ and ‘the accused’. In this respect, law is obeyed and there is no explicit mention that Shevtsov would actually be guilty of crime 2. However, the structure of the court decision and its reasoning reveal that the court was not convinced of Shevtsov’s innocence. Rather, connections between the two crimes are implied and the connection between Shevtsov’s personality and crime 2 is drawn.

The accusation of any crime and even participation in criminal proceedings as a witness usually brings a stigma on court participants. Especially if the case is followed by the media, the court participants are discursively constructed as being negative actors who are connected with criminal activities. In Shevtsov’s case, not only the media coverage, but also the judge through her speeches in the court room and through the structure and wording of the text of the verdict contributed to the overall perception of Shevtsov as being responsible for the arson attack on the Minister’s house.

Within the discourse-historical approach of CDA, discourse is ‘a cluster of context dependent semiotic practices’ which are ‘socially constituted and socially constitutive’ (Reisigl and Wodak 2009: 89). In other words, the discursive relationship between language and the social reality is dialectical, and in Shevtsov’s case, the discourse formed by court proceedings (crime 2) could have real impact on his further position in the Czech society and on the court decision regarding crime 1.

It can be concluded that Shevtsov was discursively constructed by the court as a dangerous ‘other’ (Stoegner and Wodak 2016: 193): a foreigner of Russian origin, who studied in Czechia for free, mastered the Czech language to perfection and was knowledgeable of Czech law which he used to his own advantage. At the same time, some other people (the judge in the appeal court, Shevtsov’s university teachers and his anarchist friends) viewed the harsh sentence of punishment for the first accusation as influenced and aggravated by the second (unproven) accusation.

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Appendix

I am including my translation of parts A and B of the verdict (the emphases are original):

The Municipal Court in Prague [...] decided in the main court hearing held on 27 April 2016 **in the following way:**

I. The accused:**Igor Shevtsov**

born on 5 May 1995 in the Russian Federation, a national of the Russian Federation, currently a student of Charles University in the Czech Republic, permanently residing at [...]

- is guilty of the act that -

on 10 May 2015, in an unspecified time between 16:30 and 17:30 in Prague 6, [address], after he previously verbally supported imprisoned anarchist prisoners, during a public assembly about which the organizers did not notify the authorities in advance, in front of the remand prison Ruzyně, he made it possible for the separately prosecuted Lukáš Vorel, [...], to write without disturbance with a black-coloured pressure spray, on the southern wall of the prison Ruzyně with a script of the size of approximately 50 centimetres the inscriptions 'THE DESIRE FOR FREEDOM WILL NOT BE STOPPED BY REPRESSION' with the sign of an exclamation mark and with the symbol 'A' written in a circle, the overall area of which was 380 times 150 centimetres, and 'DEATH TO THE STATE' with the sign of an exclamation mark and a little cross, the overall area of which was 160 times 110 centimetres, which happened by guarding the access routes to the crime scene by a camera, brand AEE, with which he watched the surroundings and at the same time documented the activity of Lukáš Vorel, while he also supported him psychologically in the action, together with other not-closer identified perpetrators, by chanting slogans 'the resistance is alive', 'the fight is continuing', and therefore they caused a not-closer specified damage on the property of the Prison Service,

hence: he enabled another person to commit the crime of 'damage to somebody's property' by writing on the thing with a paint,

by which he committed

participation in the form of assistance according to § 24, paragraph 1, letter c) of the Criminal Code **in the crime of damage to somebody's property** according to § 228, paragraph 2 of the Criminal Code,

and he is sentenced to:

according to § 80, paragraph 1 and paragraph 2 of the Criminal Code, in connection with the provision of § 53, paragraph 2 of the Criminal Code **to the punishment of expulsion for the period of 2 (two) years.**

The accused is sentenced to, according to § 70, paragraph 1, letter a) of the Criminal Code, the punishment of forfeiture of the thing which was used for committing the act, which was the secured camera, brand AEE and black colour, without a serial number.

The victim – the Prison Service, the remand prison in Ruzyně [address], is referred to civil proceedings with their demands for damage compensation, according to § 229, paragraph 1 of the Code of Criminal Procedure.

II: According to § 226, letter c) of the Code of Criminal Procedure, the accused,

Igor Shevtsov,

born on 5 May 1995 in the Russian Federation, a national of the Russian Federation,

is freed of the charge

of the District Public Prosecutor's Office for Prague 6 of 28 January 2016, file number 1 ZT 260/2015, for the act listed under point I of the indictment which he was supposed to have had committed

- by -

his activity in the time period between 23:00 on 6 June 2015 and 04:30 on 7 June 2015 in Prague 6 [...], when he threw into the area of the garden of the family house of the owner Veronika Stropnická, born on 16 October 1961 which is resided by 5 additional persons at least four closed beer bottles of the volume of 0.5 litres, out of which one remained intact, filled with automotive gasoline and with a mixture made from potassium hydroxide, water and vegetable oil, on their outer surface, sanitary napkins containing petrol were fixed, bearing traces of thermal flame exposure, with a wire used to handle each bottle, one bottle fell down to the grassy vegetation of the flower-bed lining of the walkway leading to the entrance door of the house, but it did not break, another beer bottle fell down to the roof of the house next to the balcony on the first floor of the front wall of the house, where it was found together with other shards of a bottle, bearing traces of vegetable oil, with the content of a solid mixture, fitted with a sanitary napkin for inflammation, all that with the intent to cause fire on the house which would spread uncontrollably, during which the sleeping persons present in the house would be facing the danger of death or of serious bodily harm, and during which damage on a third party's property would be caused to a large extent,

therefore: he was supposed to have had caused public menace by the action in which he exposed people to danger of death or of severe injury to health, or damage to property on a large scale by causing fire,

legally qualified by the prosecutor as the crime

of public menace, according to § 272, paragraph 1 of the Criminal Code,

because it has not been proven that this act had been committed by the accused.

According to § 229, paragraph 3 of the Code of Criminal Procedure, is the victim, minor Kordula Stropnická, represented by Veronika Stropnická, born on 16 October 1961 and by Martin Stropnický, born on 19 December 1956, referred with her demand for damage compensation to civil proceedings.