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**July 7, 2016**

**Petr Pavlensky**  
**Moscow, Russia**  
**Via Email**

Dear Mr. Pavlensky,

As you know, every year the undersigning Committee awards the Václav Havel International Prize for Creative Dissent to highly meritorious individuals, such as you, who have used and continue to use art and other non-violent, creative means to oppose dictatorship. In exercising this duty, the Committee attempts to adhere to the letter of our mandate and to follow the selection criteria for candidates nominated to receive the Havel Prize, in order to make sure that each of the laureates we designate is a good representative of Václav Havel's legacy of non-violent, creative dissent.

Section 1.02(c) of the Selection Criteria states:

Candidates that fall into one or more of the following criteria shall be disqualified from obtaining the Prize:

(i) Candidate has used or advocated the use of violence as a valid method to fight government oppression.

1) In judging the veracity over allegations that the candidate has used or advocated the use of violence, the Committee shall:

a) carefully consider the credibility of the sources of these allegations, and

b) bear in mind that oppressive governments and/or their agents frequently engage in false accusations of violent action or advocacy against dissenters in order to destroy or tarnish their reputations.

We were excited to choose you as one of this year's laureates. At the moment of making the decision of awarding you the Havel Prize, you had proven to be a courageous, non-violent performance artist deserving of this Prize, including the fact that you carry out your creative and non-violent struggle, at huge personal cost, in one of the world's most influential and cruel dictatorships.

However, upon review of your statements with respect to the Havel Prize, we have come to the unfortunate conclusion that you do not comply with the section of the Prize's selection criteria underlined above and, as a result, we have determined that you have forfeited the Prize altogether, namely, we are obligated to withdraw your status as a laureate.

This unfortunate and unprecedented decision was made based on the specific reasons outlined below. As we learned about and/or formally received each of your statements, we weighed them carefully as we tried to arrive at a decision that would be consistent with our fiduciary duty with the Prize and Václav Havel's legacy and, at the same time, would interpret each of your statements in the light most favorable to you.

**(1) The Committee's position regarding Mr. Pavlensky's public statement of May 25 through a Facebook post in Russian**

The portions of the May 25 statement by Ms. Oksana Shalygina (Mr. Pavlensky's representative) which were most relevant for our decision are underlined below:

Oslo Freedom Forum invited me to receive the Vaclav Havel award on behalf of Petr. I arrived there. We decided to give the award to the Primorsky Partisans because we think that they deserve it. However, during the preparation for the speech, organizers let me know that I can't speak about Primorsky Partisans from the stage, and especially not about passing on the award to them. Turns out, that even though Petr received the award, he can't say or do with it what he thinks is right. What is that if not a lack of freedom of speech and self-expression in gently fascist Europe. In that situation I decided to ignore that fake ceremony, take the money and pass them on to the Partisans. Here is the speech Pyotr and I had prepared: "...We would like to hand over this award, with our deep respect and friendly support, to the PRIMORSKY PARTISANS, because they deserve it."

The thrust of the statement above was made verbally to HRF personnel and the statement itself was then put in writing through a Facebook post by Ms. Oksana Shalygina, Mr. Pavlensky's representative who was present at the Oslo Freedom Forum on the date of the Prize ceremony. The post made explicit Mr. Pavlensky's decision to dedicate the Havel Prize and donate the money award included in it to the Russian armed group (currently disbanded) by the name of Primorsky Partisans.

For the avoidance of doubt, the Primorsky Partisans was an anti-police, self-described "guerrilla" group composed of 6 adolescent members from a far Eastern province of Russia. The group operated for a period of just over a year and was quickly disbanded. Their young age and anti-police radicalism made their story fairly popular in Moscow. Here's a description of the Primorsky Partisans by the BBC:

A group of six young men in Primorye, in Russia's Far East, declared a guerrilla war against what they described as corrupt police. Their attacks included shooting traffic policemen, raiding a village police station and stabbing an officer to death there. The group posted videos on the internet to explain their motives. Many people in the Far East and beyond supported them: a poll on Ekho Moskvyy radio indicated that 60-75% of listeners sympathized with the "young Robin Hoods" and would offer them help.

At first sight, we believe that "dedicating the Prize" and "donating the money award" to a group that uses violence to achieve its ends constitutes "advocacy of the

use of violence,” which is precluded under the Havel Prize’s selection criteria. (A potential caveat of this prima facie determination would be if the money were not directed to an active group, but to a charity related to it. However, we did not have time to consider this caveat thoroughly and promptly because we were notified of Mr. Pavlensky’s decision only minutes prior to the Prize ceremony, and the statement published that same day, did not clarify what the destination of the Prize’s money would be, for example, paying for the group’s legal fees or reactivating the activities of the Primorsky Partisans).

In an effort to persuade Mr. Pavlensky’s representative Ms. Oksana Shalygina (his partner) not to *dedicate* and/or *donate* the Prize to a group that advocates and uses violence (albeit as a result of legitimate frustration arising from the Russian state’s systematic police brutality), HRF personnel spoke personally with Ms. Shalygina before the Prize ceremony on May 25. Despite our attempt to reason with Ms. Shalygina, she communicated to us that they would not be changing their mind, and minutes later materialized this decision through a Facebook post via Ms. Oksana Shalygina’s account.

To the extent that donating the Prize’s monetary award to a group that advocated and applied violence (even if as a form of resistance to dictatorship) clearly violates the Prize’s mission and candidate selection criteria, **we believed that Mr. Pavlensky had, at a minimum, forfeited the monetary award associated with the Prize.**

Mr. Pavlensky's “dedication of the Prize” to a violent group was as problematic as the “donation of the money award” because both actions are in clear violation of the Havel Prize’s mission and candidate selection criteria.

Before coming to a determination on withdrawing the prize, the Committee performed a detailed review of the public record anew and reexamined our vetting process regarding Mr. Pavlensky's candidacy. The result of our analysis was that, based on his actions and public statements as a performance artist and activist who in protest of dictatorship has routinely put his own body in harm’s way rather than that of third parties, no reasonable person aware of the harsh conditions activist artists face under authoritarian regimes could have concluded that Mr. Pavlensky would support an armed group like Primorsky Partisans who resorted to lethal violence to advance their cause.

Up to the day of the Havel Prize ceremony in Oslo, the public record clearly showed Mr. Pavlensky as a deserving candidate fully compliant with every aspect of the selection criteria. That said, upon the statements made on May 25, 2016 the Committee was obligated to reconvene and consider the withdrawal of the Prize given that the funds transfer had not yet occurred. The Committee intended to reach a determination and to communicate it to Mr. Pavlensky as soon as possible.

## **(2) The Committee's position regarding Mr. Pavlensky's June 30 email to the Committee in English**

On June 30, 2016, while the Committee was still in consultations, Mr. Pavlensky sent an email to the Committee where he declared that a misunderstanding had occurred and articulated his intention to "help the legal defense fund of members of the Primorsky Guerrilla group" and that his position was "in perfect alignment with values of the international human rights community." For purposes of the Committee's analysis, the salient aspect of Mr. Pavlensky's email was that he clarified that his "intention" was not to broadly "dedicate" and "donate" the Prize to the armed group Primorsky Partisans (as the Committee had learned on May 25), but instead to "transfer" the Prize's money award to the "the legal defense fund" to be used to pay for legal fees for the representation of the surviving members of the same inactive, disbanded, formerly violent group, who are currently facing trial (something that is very different and not conflicting with the Prize's selection criteria). Mr. Pavlensky further made clear that any understanding by the Committee (even if based on Mr. Pavlensky's May 25 statements) contrary to this new stated intention by Mr. Pavlensky should be considered only "a misunderstanding [that] occurred between us."

In consideration of this email, and in appreciation of Mr. Pavlensky's statement clarifying his position, the **Committee members engaged in a new process of email consultation with the aim of making a final decision.** The full reinstatement of the Prize, including the monetary award, was the likely decision of the Committee given that Mr. Pavlensky's nuanced and compelling email clarification would, in the view of the members of the Committee who were able to express them prior to July 4, clearly override his previous broad statements in Russian and via Facebook.

In the course of our analysis of Mr. Pavlensky's situation vis-à-vis the Prize up to this point, **the Committee members did not give any weight to Mr. Pavlensky's** suggestion that a potential decision considering the money award forfeited would constitute an "official statement" by the Committee "that some Russians do not deserve a fair and professional defense during their trial."

## **(3) The Committee's position regarding Mr. Pavlensky's July 4 article and interview**

The portions of Mr. Pavlensky's July 4, 2016 statements, which were most relevant for our decision, are underlined below (The following is just an excerpt of his statement):

Very often corporations hide behind the names of the deceased and do things that go against the meaning of these peoples' lives. ... Václav Havel award was officially given to me on May 25, 2016 at the Oslo Freedom Forum. Right now I am the only laureate who did not receive the transfer of the monetary part of the award. There are reasons to suspect, that founders and organizers of the Prize are trying to dictate to me how I am supposed to use the money. They are trying

to tell me who I can give the money to, and who I can't give the money to. It is sad to think that if I were to give the money to the FSB, this would have been taken favorably. This would have been considered a reasonable and common sense thing to do. Reasonable payoff of the fine and civil lawsuit. However, FSB – is a terrorist organization. This means, that they favor support of terror, but support of the people who rose to fight the terror causes indignation. People, who rose to fight the police terror – are 'Primorsky Partisans'. Their actions were a gesture of desperation. And all of us have to comprehend the level of the police terror, if six insurgents from among the civilians, without any kind of support, were forced to declare an open war on police in Primorye. 'Primorsky Partisans' are insurgents. Insurgents are people who rise up to defend peaceful society from terror. ... The Committee of the Prize found out that I want to help 'Primorsky Partisans', so that their jail terms will not be life terms. The Committee references the internal guidelines, according to which they had to conduct a second consideration of the award. The Committee was supposed to draw a decision on July 3. The time has passed, but there is no decision yet. Now Committee references the necessity to create and conduct a new bureaucratic procedure. Doesn't the structure of this bureaucratic blockade remind you of everything, what Václav Havel was struggling against? Václav Havel wrote that in order to counter post-totalitarian dictatorship of bureaucracy, we have to start saying it like it is. We have to call police terror a police terror. We have to call out the supporters of police terror as the supporters of police terror. Terrorists should be called terrorists. Insurgents should be called insurgents. Right now all of us have a chance to see, what kind of structure is hiding behind the name of Václav Havel. And we are either going to be witness to silly misunderstanding, or the guess-work is correct, and we are going to witness of bureaucratic cruelty and its attempts to impose dictate of uniformity of opinions. And, ultimately, its encroachment into private space and establishment of control over one's decisions and actions. I think that bureaucratic procedures and the final decision of the Committee has to become known to all of us. Only this way we will be able to see what is hidden behind the name of Václav Havel. Only this way we can start calling a spade a spade... I think [that what the members of the Václav Havel Committee don't like about the Primorsky Partisans is] the fact that they engaged in an open warfare. That they took up arms against police terror. But you have to understand, that thus the organizers of the award – if the final decisions that they make would be to keep them money to themselves and deprive Primorsky Partisans of legal help – they would become supporters of the terror regime. As strange and as scary as it is, it is open support. They say: "yes, we support police terror, they can kill and let them kill, but the people who rise up against them, the insurgents – those we don't support."

They support the paradigm of police terror, and the very same kremlin propaganda, which bans the media from even mentioning the words 'primorsky partisans'.

The statements above were made in an article and interview published on July 4, 2016.

For purposes of the Committee's analysis, the salient issues of Mr. Pavlensky's public statements were his views (1) that "I think [that what the members of the Václav Havel Committee don't like about the Primorsky Partisans is]

the fact that they engaged in an open warfare” and that “they took up arms against police terror;” (2) that “[the Primorsky Partisans] were forced to declare an open war on police in Primorye”. “Primorsky partisans are insurgents. Insurgents are people who rise up to defend peaceful society from terror;” (3) that “[t]he Committee was supposed to draw a decision on July 3. The time has passed, but there is no decision yet;” and (4) that “they [the members of the Committee] favor support of terror, but support of the people who rose to fight the terror causes indignation,” and that “[w]e have to call out the supporters of police terror as the supporters of police terror. Terrorists should be called terrorists. Insurgents should be called insurgents.”

Mr. Pavlensky’s ongoing statements forced the Committee to reconvene and reevaluate its position on the go on three separate occasions. While we would have wanted to come to a decision and communicate it to Mr. Pavlensky as soon as possible, the Committee denies that it set a hard deadline for this process or that it was “supposed to draw a decision on July 3,” since internal procedure requires that all members of the Committee express their positions. In fact, on July 1, Mr. Pavlensky was informed in writing that a decision would be reached by July 8, 2016.

In consideration of the July 4 public statements by Mr. Pavlensky, the committee members engaged in a further email and telephone consultations. In light of his July 4 statements, the Committee **finds that Mr. Pavlensky’s May 25 praising of Primorsky Partisans through the “dedication of the Prize” and the “donation of the money award” was a sincere endorsement of a violent group that “engaged in an open warfare” and “took up arms against police terror.”** Mr. Pavlensky endorses the group and its violent methods because he holds that “they were forced to declare an open war on police in Primorye”, that they “are insurgents,” and that “insurgents are people who rise up to defend peaceful society from terror.” The Committee believes that this explicit endorsement constitutes “advocacy for the use of violence” in the sense stated as cause for disqualification for awarding the Prize.

The Committee objects to Mr. Pavlensky’s reasoning that Václav Havel’s non-violent and creative legacy as a playwright, dissident and later statesman that made him one of the world’s most celebrated non-violent opponents of totalitarianism, can be in any kind compared to, or interpreted as a form of apology of groups like the Primorsky Partisans who, upon little reflection and zero art and creativity, decided to resort to lethal violence against the police, albeit of a dictatorial country. We agree with Mr. Pavlensky that the Primorsky Partisans are entitled to a vibrant legal defense, and we hope that their supporters, including Mr. Pavlensky, can obtain the funds to finance this, but the matter at hand for this Committee was to decide whether Mr. Pavlensky’s views on the use of violence make him a qualified candidate and recipient of the Prize. And we are categorical that he is disqualified from obtaining the Prize altogether.

The Committee wants to make clear that we do not dispute Mr. Pavlensky’s right to hold worldviews that run contrary to Václav Havel’s legacy and to the

criteria established for this particular Prize bearing Václav Havel's name. Mr. Pavlensky's views may include a full-throated defense of armed resistance (which he calls "insurgency") against dictatorship and the many evils dictatorship can engender—such as the extrajudicial killings, torture and police brutality. In many settings these views may be considered perfectly understandable and may be even lauded by some. However, they disqualify Mr. Pavlensky from receiving the Václav Havel International Prize for Creative Dissent.

Therefore, **the Committee believes that Mr. Pavlensky has forfeited the Havel prize, including the status of laureate, the bronze statuette and the monetary award. All are hereby withdrawn.** The monetary award intended for Mr. Pavlensky this year will be distributed to an additional Václav Havel laureate who will be recognized in 2017.

Yours faithfully,

A handwritten signature in black ink, appearing to read "John Anderson". The signature is fluid and cursive, with a large initial "J" and "A".

**Per procurationem the Prize Committee of the  
Vaclav Havel International Prize for Creative Dissent**