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RUSSIA: Freedom of religion or belief "extremist" text prosecutions increase

By Victoria Arnold, Forum 18 (<https://www.forum18.org/>)

From September to December 2015 inclusive at least 35 individuals and three religious organisations exercising freedom of religion or belief were prosecuted in Russia under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials"), Forum 18 News Service notes. Courts imposed fines in 34 of these cases, and one Jehovah's Witness was sentenced to a 10 day jail term later reduced to six days. Two individuals and one Jehovah's Witness community were acquitted. This is an increase on the September to December 2014 figure of 18 such prosecutions. Of the 38 September to December 2015 prosecutions, 19 involved Islamic texts or videos, 17 Jehovah's Witness texts, and two items produced by the Chinese spiritual movement Falun Gong. Court verdicts indicate that prosecutions of Jehovah's Witnesses under Article 20.29 increased in the last part of 2015. Their communities in Stariy Oskol and Belgorod city were liquidated in February 2016, and an appeal challenging the liquidation of the Tyumen community is due in Russia's Supreme Court on 24 March.

From the beginning of September to the end of December 2015 at least 35 individuals and three religious organisations exercising their freedom of religion or belief were prosecuted in Russia under Article 20.29 ("Production or mass distribution of extremist materials") of the Code of Administrative Offences, Forum 18 News Service notes. Courts imposed fines in 34 of these cases, and one Jehovah's Witness was sentenced to a 10 day jail term which was later reduced to six days. Two individuals and one Jehovah's Witness community were acquitted.

In comparison to these 38 prosecutions, there were from the beginning of September 2014 until the end of December of that year 18 such prosecutions (see F18News 22 January 2015 http://www.forum18.org/archive.php?article_id=2031).

Of the 38 September to December 2015 prosecutions, 19 involved Islamic texts or videos, 17 Jehovah's Witness texts, and two items produced by the Chinese spiritual movement Falun Gong. Falun Gong material is banned as "extremist" in Russia (see F18News 14 December 2012 http://www.forum18.org/archive.php?article_id=1782).

There was one prosecution each in Bryansk, Omsk, Perm, Samara, Stavropol, and Sverdlovsk regions, the Yamalo-Nenets Autonomous District, and the Republics of Bashkortostan, Kalmykiya, Khakasiya, Mari-El, Udmurtiya, and Yakutiya. Arkhangelsk, Khabarovsk, Kirov, Primorye, Smolensk, and Ulyanovsk regions and the Republic of Kabardino-Balkariya each saw two prosecutions. There were three court cases in Voronezh Region and five in Krasnodar Region.

Available court verdicts indicate that prosecutions of Jehovah's Witnesses under Article 20.29 increased in the last part of 2015. Following such "extremism" convictions there have been more liquidations and attempted liquidations of Jehovah's Witness communities (see below).

More than 10 million Jehovah's Witness books and brochures - including 4,000 Bibles in Russian and Ossetian - remain impounded by customs at the Finnish border, as they may or may not contain "extremist" content. None of the impounded literature has been declared "extremist" in Russia (see F18News 14 December 2015 http://www.forum18.org/archive.php?article_id=2133).

Federal List

Many religious works placed on the Justice Ministry's Federal List of Extremist Materials do not appear to contain calls for human rights to be violated. Confiscations of "extremist" religious texts from both Muslims and Jehovah's Witnesses, mostly during raids or detentions, frequently result in prosecutions under Article 20.29 (see eg. F18News 14 October 2015 http://www.forum18.org/archive.php?article_id=2111).

As well as these Muslims and Jehovah's Witnesses, other people are also prosecuted for disseminating texts, songs, slogans, or videos (both non-religious and religious) which do appear to call for human rights to be violated. Forum 18 found that there were from September to December a total of 288 prosecutions under Article 20.29 ("Production or mass distribution of extremist materials") for all types of material.

If an item is on the Federal List, possession of it carries the risk of a fine or imprisonment for up to 15 days, and confiscation of the banned literature. The Federal List now runs to over 3,000 items, often does not include full bibliographical details, and is irregularly updated. Checking whether a particular item is on the List can be very difficult or even impossible (see Forum 18's Russia "extremism" religious freedom survey http://www.forum18.org/archive.php?article_id=1724). Removals of an item from the Federal List are rare and can be short lived (see F18News 27 July 2015 http://www.forum18.org/archive.php?article_id=2084 and below). And in recent years, new texts have been added at an increasing rate (see eg. F18News 15 July 2013 http://www.forum18.org/archive.php?article_id=1858).

Prosecutions can legally only be brought relating to "extremist" texts if they are the exact edition of the work specified on the Federal List. But this has not stopped prosecutions being brought and heard in court relating to editions that are not on the Federal List (see eg. F18News 28 February 2013 http://www.forum18.org/archive.php?article_id=1808). Such cases are inconsistently interpreted by judges, with some imposing fines and others following the law by finding that possession of a single copy is not evidence of "mass distribution".

Forum 18 wrote to the Justice Ministry on 9 October 2015, asking whether it is right that people should be prosecuted for distribution of texts which do not advocate violence, hatred, or the violation of human rights in other ways, whether such prosecutions are a sensible use of police and prosecutors' time, and why cases are initiated when only one copy of an item has been found (see F18News 14 October 2015 http://www.forum18.org/archive.php?article_id=2111). No reply has yet been received.

Currently, any court, including those at the district and municipal level, may rule that a text, slogan, song, or website is "extremist" and should be placed on the Federal List. From 23 November 2015 an amendment to the Extremism Law stops some but not all sacred texts - "the Bible, the Koran, the Tanakh and the Kanjur, their contents, and quotations from them" - from being ruled "extremist" and placed on the Federal List (see F18News 30 November 2015 http://www.forum18.org/archive.php?article_id=2126). Another amendment, introduced by a group of Duma deputies on 30 September 2015, would stop lower courts making "extremism" rulings, restricting this power to regional and republic-level courts (see F18News 14 October 2015 http://www.forum18.org/archive.php?article_id=2111). But it has made no progress through the Duma so far.

On 26 February, Forum 18 wrote to the Human Rights Ombudsperson's Office in Moscow, asking why: possession of a single copy is considered sufficient grounds for prosecution; and whether the Ombudsperson considers it difficult for people to keep up with the lengthy, ever-growing, and often inconsistent Federal List. Forum 18 had received no reply by the end of the Moscow working day on 2 March.

Rise in Article 20.29 cases against Jehovah's Witnesses

Between September and December 2015, 17 of the 38 total prosecutions against individuals and organisations exercising freedom of religion or belief involved Jehovah's Witness texts. This is a noticeable increase over the six Jehovah's Witness cases out of 23 from May to August 2015 (see F18News 14 October 2015 http://www.forum18.org/archive.php?article_id=2111), and five out of 19 between January and April 2015 (see F18News 15 May 2015 http://www.forum18.org/archive.php?article_id=2062).

Aleksandr Verkhovsky of the SOVA Center for Information and Analysis thought that the Jehovah's Witnesses might be being increasingly targeted as "maybe the FSB feels uncomfortable if religious extremists are Muslims only". He also attributed this to "general anti-Westernism and anti-Americanism", noting to Forum 18 on 2 March that Jehovah's Witnesses may be seen as "American agents". "To have a headquarters near Brooklyn Bridge is enough for many".

Of the 17 prosecutions of Jehovah's Witnesses found by Forum 18 between September and December 2015, seven were based on the distribution of books and brochures from information stands in the street. This is a common practice of Jehovah's Witnesses worldwide as they seek to share their faith. Jehovah's Witnesses are also often subject to prosecution under Administrative Code Article 20.2 ("Violation of established procedure for organising or holding meetings, rallies, demonstrations, marches and pickets") for offering literature in public spaces (see F18News 22 February 2016 http://www.forum18.org/archive.php?article_id=2151).

Forum 18 found one case between September and December 2015 in which the two defendants were convicted under both Article 20.29 ("Production or mass distribution of extremist materials") and Article 20.2. Prokhladnyy District Court in Kabardino-Balkariya found Lyudmila Ponomarenko and N. Mironenko guilty of distributing the banned texts "What do you need to know about God and his purpose?", "How can we develop close relations with God?", and "The secret of family happiness" at a village bus stop. Judge Andrei Blikanov imposed fines of 1,500 Roubles (then about 210 Norwegian Kroner, 22 Euros or 24 US Dollars) each under Article 20.29 on 6 November, followed by further fines of an unknown amount under Article 20.2 on 26 November.

In four cases, officials allegedly found prohibited literature while searching believers' homes, and in a further two, while conducting inspections of Jehovah's Witnesses' places of worship to check "compliance with anti-extremism legislation", according to written verdicts seen by Forum 18.

Banning religious communities

Convictions of individuals under Article 20.29 ("Production or mass distribution of extremist materials") have as noted above led to liquidation or the threat of liquidation of the religious communities to which they belong. The Jehovah's Witness congregations of Taganrog, Samara, and Abinsk, as well as the Muslim community of Borovsky village in Tyumen Region, have all been dissolved on these grounds (see F18News 28 August 2015 http://www.forum18.org/archive.php?article_id=2095). All now appear on the Justice Ministry's list of banned "extremist" organisations.

Three more Jehovah's Witness communities banned, another under threat

Three more Jehovah's Witness communities have been dissolved in recent months on charges of "extremist activity", also based on earlier convictions under Article 20.29. In Belgorod Region, the congregations of both Stariy Oskol village and Belgorod city itself were liquidated by order of Belgorod Regional Court on 10 and 11 February 2016 respectively.

In June 2015 Jehovah's Witnesses failed in Belgorod Regional Court to overturn a March 2015 ban on two of their publications as allegedly "extremist" (see F18News 21 September 2015 http://www.forum18.org/archive.php?article_id=2103).

The Jehovah's Witnesses of the city of Tyumen in Siberia are challenging their dissolution at Russia's Supreme Court, but must now wait until 24 March after their first hearing was postponed on 26 February. Tyumen Regional Court issued the original liquidation order on 16 October 2015.

A seventh Jehovah's Witness community, in Cherkessk, is also under threat of dissolution as noted above. This attempted liquidation is based on the conviction in March 2015 of both the community and two of its members, Dmitry Metelin and Andrei Volovikov, under Article 20.29 and the failure so far of subsequent appeals. The local authority also wants to confiscate the community's property for redevelopment as a shopping centre and the case was suspended for the first time in May 2015 (see F18News 28 August 2015 http://www.forum18.org/archive.php?article_id=2095). Judge Yury Kotsubin of Cherkessk City Court transferred the case to the Supreme Court of Karachay-Cherkessiya on 22 January 2016, but no date has yet been set for its resumption.

If members of liquidated communities continue to meet to exercise the right to freedom of religion or belief they may face criminal charges. This happened to 16 Taganrog Jehovah's Witnesses convicted on 30 November 2015 of "continuing the activities of a banned extremist organisation" (see F18News 3 December 2015 http://www.forum18.org/archive.php?article_id=2128).

New fines

From May 2015, conviction under Article 20.29 ("Production or mass distribution of extremist materials") there is now a fine of 100,000 to 1 million Roubles for "juridical persons", i.e. religious organisations, media outlets, or commercial concerns (see F18News 15 May 2015 http://www.forum18.org/archive.php?article_id=2062). An individual may be fined 1,000 to 3,000 Roubles, or be jailed for up to 15 days. An official may be fined 2,000 to 5,000 Roubles. Court decisions usually order "extremist" materials to be confiscated and often destroyed.

New fines imposed on two organisations

Between September and December 2015, Forum 18 found three organisations charged under the new regulations, two of which were convicted and fined. These were the Nur Muslim community of Komsomolsk-on-Amur in the Far East, and the Jehovah's Witness community in Elista in Kalmykiya. A third community, the Jehovah's Witnesses of Kotlas in Arkhangelsk Region, was acquitted. The prosecution appealed unsuccessfully against this acquittal.

State inspections of the Nur Mosque in Komsomolsk-on-Amur in summer 2015 allegedly discovered, on an open shelf, a single copy of 19th century writer Ibn Hisham's "The Life of the Prophet Muhammad". This was banned by Lenin District Court in Orenburg along with more than 65 other Islamic texts in a 20 minute hearing on 21 March 2012 (see F18News 30 July 2012 http://www.forum18.org/archive.php?article_id=1726 and below).

The inspection also allegedly found a single copy of Abdurrahman Raafat al-Bashi's "Pictures from the Life of the Companions of the Messenger of Allah", banned by Gorodishche District Court, Penza Region, 21 February 2008. "They went into the prayer room and found some banned books", community founding member Bakhtiyar Yarmanov, told local news website vostokmedia.com on 31 August 2015. "But a lot of believers come into the mosque – we cannot control who brings in what literature. These books did not belong to the imam or to the community".

The Nur community was fined 100,000 Roubles, and local Imam Magomedrasul Gimbatov was fined 2,000 Roubles at Central District Court on 2 September. Judge Nadezhda Tatun also ordered that the two "extremist" books be destroyed.

The community reacted to the charges with "shock and perplexity", chair Abdulkasim Abdulloyev commented to Muslim news

website islamnews.ru on 17 September. He explained that he had no idea how the books came to be in the mosque, and that staff "regularly monitor the Federal List of Extremist Materials".

After Mufti Zyaki Aizatullin of a Mosque in Saransk was fined 5,000 Roubles for possession of one copy of Turkish theologian Said Nursi's "Guidebook for Women", found during an inspection by a District Prosecutor who did not produce a search warrant as the law requires, mosque staff thought the book was planted. The Mufti stated that the first time he had seen it was during the inspection, but an appeal against the fine was rejected in March 2014 (see F18News 1 May 2014 http://www.forum18.org/archive.php?article_id=1953)

When the Nur community appealed at Khabarovsk Regional Court on 22 October, Judge Larisa Dmukh ordered "The Life of the Prophet Muhammad" to be removed from the original ruling and destruction order, as it had already been deleted from the Federal List of Extremist Materials at the time of the alleged offence (see below). But she upheld the rest of the lower court verdict.

Both the Nur community and Imam Gimbatov (who is not officially employed by the mosque, but is an occasional preacher) submitted supervisory appeals to Khabarovsk Regional Court on 22 January 2016. No hearing dates have yet been set.

Telephones at Komsomolsk-on-Amur City Prosecutor's Office went unanswered whenever Forum 18 called on 1 and 2 March. Forum 18 sent a request for information by email early on 2 March, asking why the mosque had been searched and why the texts in question were considered dangerous. No reply has been received by the end of the working day in the Far East.

A police inspection of Jehovah's Witness premises in Elista found two packages in vegetation outside the building containing brochures banned by Rostov City Court in September 2009. Police officers claimed in court that a member of the congregation had thrown the packages out of the building during the search. Judge Natalya Tsykalova issued a fine of at least 100,000 Roubles (then about 12,500 Norwegian Kroner, 1,350 Euros or 1,470 US Dollars) at Elista City Court on 11 September.

The community argued in their appeal to the Supreme Court of Kalmykiya that the material had been planted by unknown persons, but Judge Vladimir Litovkin upheld the conviction on 9 November. On 15 February 2016, Jehovah's Witnesses stated that state agencies "have increasingly resorted to fabricating evidence to justify charges of extremism against Jehovah's Witnesses".

Similar charges of fabricated evidence were made by Jehovah's Witnesses in relation to the Article 20.29 case preceding the threatened liquidation of their Cherkessk community in the North Caucasus Republic of Karachay-Cherkessiya (see F18News 28 August 2015 http://www.forum18.org/archive.php?article_id=2095 and above).

The website jw.org is banned as "extremist" in Russia (see F18News 8 June 2015 http://www.forum18.org/archive.php?article_id=2071).

Telephones at the Elista City Prosecutor's Office went unanswered when Forum 18 called on 2 March 2016 to ask why the Jehovah's Witnesses' premises had been searched.

Convictions challenged

Fourteen convictions have so far been challenged in higher courts. None has been overturned, but five have been sent for re-examination with trial dates not yet being set.

A Jehovah's Witness sentenced to 10 days' detention after officials found a large quantity of banned books and brochures in his garage had his sentence reduced on appeal. According to the written verdict from Komintern District Court in Voronezh, Judge Yevgeny Lukin decided to jail rather than fine A. Bokov on 4 December 2015 because he was unemployed and had no source of income. At Voronezh Regional Court on 9 December, Judge Ruslan Meremyanin ruled that Bokov should be released after six days as this was his first offence. Bokov's conviction, however, remains in force.

Police and FSB internet monitoring leads to prosecutions

The vast majority of all cases brought under Article 20.29 now involve posting and sharing material online, usually on the popular Russian social network VKontakte, but also on internet forums and dedicated file-sharing sites (see eg. F18News 14 October 2015 http://www.forum18.org/archive.php?article_id=2111). Most prosecutions of religious believers and communities, however, are still based on the alleged distribution of texts in hard copy.

Out of 288 prosecutions between September and December 2015, 248 were based on regular internet monitoring carried out by the FSB security service or "Anti-extremism" Police, Forum 18 notes. Such cases can involve audio and video content, text files, or links to websites containing banned items.

Seven of the 38 freedom of religion or belief related prosecutions found by Forum 18 involved online content. In two of these, defendants were fined for sharing electronic versions of texts originally banned in hard copy. In the other five, for posting on their

social-network profile pages the video "The Wonders of the Koran", which was banned by Nefteyugansk City Court in Tyumen Region on 7 April 2011. (In March 2015 Yevgeny Menshenin was sentenced to five days' imprisonment for posting this video on his profile page on VKontakte – see F18News 15 May 2015 http://www.forum18.org/archive.php?article_id=2062.)

Still charged for texts taken off Federal List

Three of the prosecutions found by Forum 18 were for Islamic texts deleted from the Federal List in July 2015 after appeal lawyers gained a removal order from a court in Orenburg (see F18News 27 July 2015 http://www.forum18.org/archive.php?article_id=2084).

In the two Nur community in Komsomolsk-on-Amur cases an Orenburg item was removed from the ruling on appeal. Further appeals in these cases are still outstanding (see above).

But in the third case the defendant's conviction stands, despite the fact that the material she allegedly distributed no longer appears on the Federal List. On 2 October, R. Kuchukova was fined 1,000 Roubles at Kuibyshev District Court in Omsk for uploading the text of "Gardens of the Righteous" onto her VKontakte profile page. Neither the local FSB security service, which found the text while "monitoring the Omsk segment of the internet", nor Judge Galina Parkhomenko, acknowledged that the case should not legally have been initiated.

Forum 18 called Judge Parkhomenko's office on 2 March to ask why Kuchukova had been fined for material no longer considered "extremist", but a spokesperson refused to give out any information by telephone. Forum 18 put the same question to the court by email, but has received no reply by the end of the Omsk working day of 2 March.

The 50 items removed from the Federal List had been ruled "extremist" in a single 20-minute hearing at Lenin District Court in Orenburg in March 2012. A further 18 texts, banned at the same time, remain on the List. Of the 50 items which have been reprieved, 11 still appear on the List in different editions, outlawed under "extremism" rulings by courts in different parts of Russia.

As noted above, individuals must undertake the difficult to impossible task of checking the edition of a book on the Federal List to avoid prosecution under Article 20.29. But even if editions are not on the Federal List those who possess them have still been prosecuted and tried in court (see eg. F18News 28 February 2013 http://www.forum18.org/archive.php?article_id=1808). (END)

For more background, see Forum 18's surveys of the general state of freedom of religion or belief in Russia at http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis <http://www.sova-center.ru>, about the systemic problems of Russian anti-extremism legislation, is at F18News 19 July 2010 http://www.forum18.org/Archive.php?article_id=1468.

A personal commentary by Irina Budkina, Editor of the <http://www.samstar.ucoz.ru> Old Believer website, about continuing denial of equality to Russia's religious minorities, is at F18News 26 May 2005 http://www.forum18.org/Archive.php?article_id=570.

More reports on freedom of thought, conscience and belief in Russia can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=10>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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