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RUSSIA: Inconsistency of "anti-missionary" punishments

By Victoria Arnold, Forum 18

Confusion and inconsistency mark decisions whether to prosecute individuals and religious organisations for sharing beliefs under so-called "anti-missionary" punishments, which came into force in July, and what the outcome of court hearings is. Of 33 known prosecutions, 17 ended with convictions and fines so far.

As prosecutions continue across Russia under punishments for sharing beliefs (commonly called the "law on missionary activity") which came into force in July, confusion and inconsistency persist. A wide range of incidents has resulted in charges against individuals over the first five months, from holding a rap concert for young people, to handing out New Testaments on a train, to having a brief conversation in the stairwell of a block of flats. This leaves it still unclear what exactly sharing beliefs or so-called "missionary activity" may be.

On 6 July President Vladimir Putin signed amendments imposing harsh restrictions on sharing beliefs, including where and who may share them, and increased "extremism" punishments, introduced with alleged "anti-terrorism" changes. There were widespread Russian protests against the suddenly-introduced changes, which are both extremely wide ranging and unclearly defined, and allow much scope for arbitrary official actions (see F18News 8 July 2016 <http://www.forum18.org/archive.php?article_id=2197>).

Despite the protests, the authorities immediately began to implement the changes punishing sharing beliefs. The day they came into force - 20 July - police raided a Baptist children's camp (see F18News 26 August 2016 <http://www.forum18.org/archive.php?article_id=2211>). On 28 July "Anti-extremism" Police started the first prosecution after arresting a Hare Krishna devotee for handing out leaflets on a street (see F18News 19 August 2016 <http://www.forum18.org/archive.php?article_id=2209>). Other prosecutions rapidly followed (see F18News 26 August 2016 <http://www.forum18.org/archive.php?article_id=2211>).

Of 33 known prosecutions between 20 July and 20 December, 17 have so far resulted in conviction and a fine (though another initial fine was later overturned and sent to a different court). Those prosecuted have come from a wide variety of faiths and geographic regions of Russia (see full listing of known cases below).

Judges' lack of consensus

The July 2016 amendment to the Religion Law does not allow for individuals to share beliefs on their own behalf, but only as formally-designated representatives of a state-recognised religious association (see F18News 8 July 2016 <http://www.forum18.org/archive.php?article_id=2197>).

A lack of consensus among judges appears to exist over whether the absence of written authorisation (which the amendment states that a person must carry if performing so-called "missionary activity" for an organisation or group) is itself evidence of an "offence" or proof of innocence. Whether such cases end in conviction or acquittal appears to rest on, firstly, the ability of police or prosecutors to link the defendant with a particular association, and secondly, whether the judge decides to uphold an individual's constitutional right to share beliefs as a private citizen.

Equal confusion remains over what constitutes "missionary activity". Prosecutions have been brought over events with no overt aim of disseminating particular information or encouraging non-members to convert, but which have some religious character and are open to all, as well as over casual interactions between individuals. It increasingly appears that any religious event outside the confines of a religious building, even an ordinary worship service in a home, may be interpreted as "missionary activity" if there is the slightest chance that it is accessible or even just known to non-members. Also unclear is how non-members should be defined.

Such lack of clarity on these points has created deep uncertainty for believers, particularly (though not exclusively) for those who are not associated - at least formally - with any recognised organisation or group.

Early cases targeted and fined individuals, but religious organisations have now also begun to be fined under the new Article 5.26, Part 3 ("Implementation of activities by a religious organisation without indicating its official full name"), of the Code of

Administrative Offences. Here, too, it appears that prosecutors may interpret a wide range of circumstances as fulfilling the provisions of the Law.

Administrative Code Article 5.26

Individual Russian citizens who violate any of the amendment's restrictions and requirements are liable for a fine of 5,000 to 50,000 Roubles under the new Article 5.26, Part 4 ("Russians conducting 'missionary activity'") of the Administrative Code. For organisations (legal entities), the fine stands at 100,000 to 1 million Roubles. Religious groups are not legal entities - their members are therefore subject to prosecution as individuals. For the same offence, foreigners may be fined 30,000 to 50,000 Roubles under Article 5.26, Part 5, with the possibility of expulsion from Russia.

Offences under Article 5.26, Part 3 - "The implementation of activities by a religious organisation without indicating its official full name" - incur a fine of 30,000 to 50,000 Roubles and the confiscation of any literature or other material.

A fine of 50,000 Roubles (7,000 Norwegian Kroner, 785 Euros or 815 US Dollars) represents about six weeks' average wages for those in work.

33 prosecutions, 17 convictions so far

In an analysis of available court verdicts and press reports, Forum 18 has found a total of 33 prosecutions (three of religious organisations, 30 of individuals) under Parts 3 ("Implementation of activities by a religious organisation without indicating its official full name"), 4 ("Russians conducting 'missionary activity'") or 5 ("Foreigners conducting 'missionary activity'") of Article 5.26 since the amendment came into force on 20 July 2016 (see F18News 26 August 2016 <http://www.forum18.org/archive.php?article_id=2211>). (The known cases are listed below.)

Almost all of these were of men, with only three women known to have been charged (as well as two people whose gender is unknown).

There were: four prosecutions under Part 3 ("Implementation of activities by a religious organisation without indicating its official full name"), three prosecutions being of organisations and one of an individual; 24 of Russian citizens under Part 4, and five of foreign citizens under Part 5.

Three cases were dropped before reaching court and two more were returned to police or prosecutors by judges and not resubmitted within the stipulated three-day period. Four trials are still underway as of 20 December. Of the 24 trials which have concluded, 18 resulted in conviction and 6 in acquittal.

Six prosecutions have involved Hare Krishna devotees (including one man who has been charged twice - see below). Charges have been brought against five Pentecostals, six Jehovah's Witnesses, two Baptists, two Seventh-day Adventists, one Ukrainian Reformed Orthodox Archbishop, one Buddhist, six other Protestants (one of whom was also prosecuted twice) and one village elder.

The three organisations charged under Part 3 ("Implementation of activities by a religious organisation without indicating its official full name") were the Administrative Centre of the New Apostolic Church, a Jehovah's Witness community, and a Pentecostal church.

Cases have taken place across the country. The city of Tver has seen four prosecutions, with three each in Moscow and Kemerovo. Five occurred in Kaliningrad and two each in Arkhangelsk, Mari-El Republic and St Petersburg, with one each in Khabarovsk, Krasnoyarsk Region, Samara, Yamalo-Nenets Autonomous Region (Tyumen), Oryol, Republic of Karachai-Cherkesiya, Tuva Republic, Ulyanovsk, Kamchatka Region, Republic of Tatarstan, Adygea and Altai Region.

Defendants have appealed against nine out of 18 convictions, four of which have not yet been heard. Of the rest, four were unsuccessful, but in one instance the verdict was overturned for jurisdictional reasons and the case sent for re-examination.

2016 changes interact with earlier laws

The multiple prosecutions of Hare Krishna devotee Andrei Puchkov in Tver illustrate the contradiction and confusion which persist in the implementation of these legal changes, several months after they came into force, as well as the way in which they can interact with earlier laws, specifically Administrative Code Article 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket").

In 2015 the non-state approved sharing of beliefs made up a quarter of prosecutions under Administrative Code Article 20.2 related to the holding of public events. Forum 18 found 119 individuals and 3 religious organisations prosecuted, a sharp rise on 2014. Initial punishments were 80 fines, 2 short-term jailings and one community service term (see F18News 18 May 2016 <http://www.forum18.org/archive.php?article_id=2179>).

The first investigation of Puchkov resulted in one charge under Article 5.26, Part 4 ("Russians conducting 'missionary activity'"), and another under Article 20.2, Part 1. This led prosecutors to the worrying conclusion that "all Krishnaite events" are "religious, missionary acts". Soon afterwards, prosecutors charged Puchkov for a second time under Part 4, basing the charges on an "expert report" drawn up before the event Puchkov had organised had even taken place.

Krishna Procession - first Puchkov prosecution both 5.26 and 20.2

Puchkov was first prosecuted in relation to a procession through the streets of Tver. He had submitted the required notification to the local authorities, and the event, which involved music, chanting, and dancing, passed off without incident on 2 October.

On 21 October, however, Central District Prosecutor's Office accused Puchkov of "carrying out illegal missionary activity under the guise of an agreed public event", according to a document seen by Forum 18. He was charged under Article 5.26, Part 4 ("Russians conducting 'missionary activity'"), for not having the necessary documents from a religious organisation or group. According to the Prosecutor's Office document, the Society for Krishna Consciousness has neither a registered local organisation in Tver nor a religious group which has submitted notification of its existence to the Justice Ministry.

Changes to the Religion Law in 2015 abolished the previous freedom for religious groups to operate without notifying the authorities of their existence, and required all religious communities that do not have legal status to notify the authorities of their existence and activity. This includes providing names and addresses of all their members and addresses where any meeting takes place (see F18News 17 September 2015 <http://www.forum18.org/archive.php?article_id=2101>).

Puchkov was also charged under Article 20.2, Part 1 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket"), for violating the "established order" of a public event by carrying out "missionary activity" rather than the "festival of Indian culture" about which he had notified the local authorities.

The Article 5.26 case was submitted to Central District Magistrate's Court No. 2. After several postponed hearings, Judge Natalya Smirnova found Puchkov guilty and fined him 5,000 Roubles on 14 December. He intends to appeal against this verdict, his lawyer Mikhail Frolov told Forum 18 on 16 December. The case against him under Article 20.2 is still underway before Judge Olga Baranova at Central District Court, with the next hearing due on 23 December.

Before Puchkov's conviction, Frolov told Forum 18 on 7 December that his client had been playing an Indian drum in the procession and had not spoken to anyone. Video footage of the event, seen by the court, showed people only singing Vedic mantras, not engaging in conversation with passers-by and not distributing literature.

"No words were used apart from Hare, Krishna, Rama," Frolov insisted. "This was a public act of worship which was not missionary activity, since no information about beliefs was disseminated and nobody involved anybody else in the religious association."

Documents in the case seen by Forum 18 appear to show that the absence of verbal interaction and religious literature had little bearing on the decision to bring charges. Prosecutors cite as their grounds for prosecution an 11 October "expert report" by Anatoly Gurin, a theology lecturer at Tver State University, and Andrei Bezrukov, the director of the university's theology students' society. Their conclusion that the event constituted "missionary activity" is based solely on an assessment of its religious character and the fact that it took place in public.

The local Hare Krishna VKontakte group and its members described the procession as "harinama" (the congregational chanting of the names of God, according to the Society for Krishna Consciousness). Gurin and Bezrukov also note that the event involved the distribution of "prasada" (religious offerings of food normally consumed after worship). The sole source materials for their analysis were VKontakte posts and definitions of terms from Hare Krishna websites. Neither Gurin nor Bezrukov attended the procession - they were called upon, as Frolov put it to Forum 18, "to assess that which they did not see".

From these attributes, Gurin and Bezrukov conclude that "it is possible to assert that the Tver Krishnaites' event was missionary activity in both form and content, and had as its goal the involvement of new participants in their movement, and also the familiarisation of the citizens of Tver with the teachings of Krishnaism. [...] It is also important to note that all Krishnaite events, under whatever slogans they are conducted - 'Procession-carnival', 'Festival of Indian dance', etc. - are religious, missionary acts."

This last assertion - that all Hare Krishna events are "missionary activity" - is quoted by the prosecutor's office in its document charging Puchkov on 21 October, and also forms the basis for his later prosecution. "This is a new invention of the Tver prosecutors," Frolov observed to Forum 18. "In my experience, it is the first such [interpretation] .. Pay attention to the "experts" logic - if 'Krishnaite', then it is ritual activity [kultovoye]. If ritual activity, then it is missionary activity. And there is no analysis and research."

Mantra Yoga concert - second Puchkov prosecution 5.26 alone

Puchkov was charged for the second time under Article 5.26, Part 4 ("Russians conducting 'missionary activity'"), for organising a concert of Vedic chanting and music in "closed premises" inside an entertainment centre. Although open to all, according to advertisements on VKontakte, this was a ticketed event and not audible or visible to the general public.

Although prosecutors issued the charges on 24 October, the day after the concert was held on 23 October, these were based on an "expert report" (again by Gurin and Bezrukov, accompanied by Svetlana Gorshkova, Tver University's head of theology) which had been produced on 20 October, before the event had even taken place, and which again was based solely on VKontakte posts.

"According to the 20 October conclusion of the "experts", this concert, by form and content, is an event which members of the International Society for Krishna Consciousness are planning to conduct in Tver", the prosecutor's office document charging Puchkov reads. "The external form of this 'concert' shows that a religious action is taking place, to which are invited all who wish to come, including non-members of the Society for Krishna Consciousness. This event fits the definition of missionary activity." It also notes the "experts'" previous conclusion that "all Krishnaite events .. are religious, missionary acts".

The Central District Prosecutor's Office issued a warning (predosterezheniye) to Puchkov on 21 October, seen by Forum 18, noting that "the planned event of 23 October corresponds to the definition of missionary activity" in the Religion Law, that those engaging in "missionary activity" on behalf of a religious group must have the necessary documents, and that no religious group of the Society of Krishna Consciousness had notified the Justice Ministry of its existence in Tver.

According to Puchkov's lawyer Frolov, Puchkov went on stage at the concert (which was attended by prosecutor's office staff, who took photographs), declared that it was not "missionary activity", and warned the attendees not to proselytise. "Of course", Frolov added, Puchkov had also obtained written authorisation from the Society for Krishna Consciousness. "He did everything he could think of to fulfil legal requirements. Simultaneously, he tried to show that the event was not missionary activity, but just in case, he also had the authorisation required by the law."

Frolov remains hopeful that the case will be resolved in Puchkov's favour. In hearings which have taken place so far, he said, "The court could not understand how it is possible to carry out analysis and evaluate the actions of a citizen which he has not yet committed". Proceedings are underway at Proletarian District Magistrate's Court No. 5 before Judge Olga Gagloyeva. A hearing took place on 20 December and is due to resume on the afternoon of 28 December, the Court told Forum 18 on 20 December. Only two of three "experts" summoned to the court were present, Frolov told Forum 18.

On 19 December, Forum 18 called the Regional Prosecutor's Office, which has taken control of the case, to ask why Puchkov's actions were considered "missionary activity", whether all Hare Krishna events would now be considered "missionary activity", and whether events held by any other religious association would also be treated as such. A press service spokesperson directed Forum 18 back to the Central District Prosecutor's Office, but a spokesperson there would neither answer questions by telephone nor accept them by email.

Forum 18 notes that none of the "experts" who provided analysis in these two cases appears to have any specialist knowledge of Hare Krishna beliefs and practices. Anatoly Gurin is an education specialist who has published on Orthodox pedagogics, Islamic culture, and Russian as a foreign language, but apparently not on Krishnaism, Hinduism, or any other Eastern religion. Svetlana Gorshkova specialises in Orthodox pedagogics, Orthodox culture, and children's literature, and has published on educational theory and history, but likewise not on Krishnaism or Hinduism.

Forum 18 called Tver State University theology department on 19 December, but neither Gurin nor Gorshkova was available.

Andrei Bezrukov, a fifth-year distance-learning student, has held seminars on "missionary activity", "destructive sects", and "personal religious security". On 28 November, he participated in the "Patrol Service" crime programme on the local Tverskoi Prospekt TV channel (seen by Forum 18). Apparently speaking from the magistrate's court, he said that Krishna devotees "want to sing mantras before the eyes of Tver citizens", and that according to the law, "it is already forbidden in Russia to talk about any god in the streets and in homes - only with the permission of the state, which registers and gives permits for such activity".

Jehovah's Witnesses in Kaliningrad

The first Jehovah's Witnesses to be prosecuted under Article 5.26 appeared in court in Kaliningrad in October and November. S. Kozin, S. Furman, and I. Parmon, who were charged under Part 4 ("Russians conducting 'missionary activity'"), and Ts. Kus, a foreign citizen who was charged under Part 5, were involved in two separate incidents in August. All were acquitted.

Police detained Kus and Parmon on 11 August for having a conversation about the Bible with a man in the entrance to a block of flats, Jehovah's Witness spokesperson Ivan Belenko told Forum 18 on 30 November. The pair "shared the observation that, although a very ancient book, the Bible gives advice which is applicable to modern life". When the man asked what they were talking about, they explained that "they wanted to encourage him to read the Bible".

The same man later approached them accompanied by a police major, who said the man had complained that they were "promoting

religious literature to him". More officers were called to take the Jehovah's Witnesses to the police station. There, Kus and Parmon gave a written statement explaining that they "were not engaged in missionary activity on behalf of any organisation", had not handed out any religious literature, and had talked about their beliefs as was their constitutional right.

Kus and Parmon were acquitted because Central District Court and Central District Magistrate's Court No. 4 noted that the Religion Law "does not prohibit the dissemination of personal religious experience or dialogue on religious topics", Belenko explained. "The actions of believers who simply wanted to exercise their right to disseminate their religious views do not show the attributes of 'missionary activity' as established by law, and therefore cannot be regarded as missionary."

This case illustrates how even the briefest interaction and most casual, conversational sharing of beliefs may be open to misconstruction or overreaction from other people, who may decide to notify law enforcement. The judges' interpretation of the incident, however, suggests that individuals should be free to discuss their faith publicly as they wish.

Jehovah's Witnesses in Russia no longer engage in the previously widespread practice of standing in public places (usually in pairs) with trolleys of religious literature, Belenko also noted. He explained to Forum 18 on 16 December that this is because the community now has little literature to offer (millions of Bibles have been impounded by Russian customs, for instance - see F18News 14 December 2015 <http://www.forum18.org/archive.php?article_id=2133>).

March 2016 Demonstrations Law change

Belenko also pointed to a March 2016 amendment to the Demonstrations Law which introduced a requirement to notify the authorities of a one-person "picket" if it made use of "prefabricated collapsible structures". Notification has not usually been necessary for one-person pickets.

Jehovah's Witnesses have frequently been charged with "picketing" without notification when standing in the street in pairs (see F18News 18 May 2016 <http://www.forum18.org/archive.php?article_id=2179>). Under the March 2016 amendment they could also be prosecuted for "picketing" without notification when standing in the street alone.

Two Protestants on Moscow train

People whose public expression or sharing of their beliefs may fall foul of the "anti-missionary" amendment appear to be vulnerable to the actions of their fellow citizens as well as the attentions of law enforcement.

This was demonstrated by the experience of a group of Protestants who handed out copies of the New Testament on a train. Members of the Orthodox Human Rights Analytical Centre detained them on 7 October at Yaroslavl Station in Moscow, and handed them over to the police. Two of the group - Sergei Korepin and Safarbi Keshokov - were charged under Article 5.26, Part 4 ("Russians conducting 'missionary activity'"), with conducting "missionary activity" on behalf of the Gideons Bible distribution organisation without the necessary documents.

Police dropped the charges on 7 December after the men's lawyers argued that they were not associated with the Gideons and police "experts" refused to carry out the required analysis of the Bibles they had distributed. This was because of a 2015 amendment to the "Extremism Law" prohibiting "extremism" rulings banning some but not all sacred texts (see F18News 30 November 2015 <http://www.forum18.org/archive.php?article_id=2126>).

First Part 3 prosecutions - also first prosecutions of organisations

Three religious organisations are known to have received fines under Part 3, which punishes "The implementation of activities by a religious organisation without indicating its official full name" - a Jehovah's Witness community in Khabarovsk, Word of Life Pentecostal church in Samara, and the New Apostolic Church's Administrative Centre in Moscow. Part 3 specifies that the offence includes "the issuing or distribution, within the framework of missionary activity, of literature and printed, audio, and video material without a label bearing this name, or with an incomplete or deliberately false label" - this is the only "activity" explicitly mentioned.

These early cases appear to show, however, that prosecution under Part 3 can occur on a number of grounds. The Jehovah's Witnesses of Khabarovsk were fined 30,000 Roubles on 24 November for not having a sign on their building. Two Jehovah's Witness representatives argued at the hearing at Industrial District Magistrate's Court No. 13 that the facade had been undergoing repairs since 2015, well before the adoption of the so-called "anti-missionary amendment" and the introduction of Article 5.26, Part 3 in July 2016.

They pointed out, moreover, that the community had not been engaged in any "activities" during the prosecutor's office inspection which uncovered the alleged "offence". In response to this latter argument, Judge Pavel Kovtun ruled that the organisation had never formally halted its activities in accordance with its charter and was therefore considered "active" at the time the prosecutor's office inspected its premises.

This suggests that the "activities" unclearly stated in the so-called "anti-missionary" amendment with Article 5.26, Part 3 ("Implementation of activities by a religious organisation without indicating its official full name"), may cover anything a religious organisation may do, even the very fact of its legal existence.

The community has submitted an appeal to Khabarovsk's Industrial District Court, which is due to be heard on 26 December.

Forum 18 emailed Industrial District Prosecutor's Office before the beginning of the Khabarovsk working day of 19 December, asking why exactly the Jehovah's Witnesses had been charged, and what activities fall under Article 5.26, Part 3. It had received no response by the end of the Khabarovsk working day of 20 December.

Similarly, Donskoi District Magistrate's Court No. 245 in Moscow fined under Part 3 the Administrative Centre of the New Apostolic Church in Russia 30,000 Roubles on 10 November. According to the court verdict, the prosecution's case was based on a Justice Ministry inspection of the Centre's documentation, which allegedly found that the Church was not using its full name in its activities, including in its contract with the Beeline phone and internet company, as well as on its website, magazine and audio discs.

Samara's Soviet District Magistrate's Court No. 54 fined Word of Life Pentecostal Church 30,000 Roubles under Part 3 on 14 December. A court spokesperson refused to give details of the case when Forum 18 telephoned on 19 December.

American Baptist in Oryol appeals against fine

Independent Baptist preacher Donald Ossewaarde was fined 40,000 Roubles in August for holding worship services in his home in Oryol and allegedly advertising them on the notice boards of nearby blocks of flats (see F18News 26 August 2016 <http://www.forum18.org/archive.php?article_id=2211>).

On 30 September, Ossewaarde appealed unsuccessfully against his conviction under Article 5.26, Part 5, at Oryol Regional Court; a further, supervisory appeal was also turned down by the same court on 15 November. Lawyers then submitted an appeal to the Supreme Court in Moscow on 25 November, Ossewaarde reported on his website, followed by a simultaneous appeal to the Constitutional Court.

This makes Ossewaarde's case the first under the "anti-missionary" amendment to reach this level in the Russian courts, and the first to issue a challenge to the legislation itself. The Constitutional Court, if it accepts the appeal, will examine whether the amendment contravenes the provisions of the Russian Constitution.

The Supreme Court is likely to take about two months to reach a decision. Ossewaarde's Moscow lawyers have told him. In the meantime, he has paid the fine he received at Oryol's Railway District Court on 14 August - the money should be returned if the Supreme Court's ruling overturns the original verdict.

A number of other individuals convicted under Article 5.26, Parts 4 and 5, have also appealed against their sentences, mostly unsuccessfully (see list below).

Individuals - including Hare Krishna devotees, Baptists, and particularly Jehovah's Witnesses - have long encountered problems when expressing and sharing their beliefs in public space. In 2015, Forum 18 found 122 prosecutions (principally of Jehovah's Witnesses) under Administrative Code Article 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket") (see F18News 18 May 2016 <http://www.forum18.org/archive.php?article_id=2179>). Lawyer Mikhail Frolov remarked to Forum 18 on 8 December that Article 20.2 and Article 5.26 "will be (and are already being) used in conjunction".

2015 religious group restrictions used against sharing beliefs

Several Article 5.26 cases so far illustrate how the so-called "anti-missionary" amendment interacts with the requirement for every religious groups to notify local Justice Ministry branches of their existence, affiliation, and membership, introduced a year earlier in July 2015. This violates Russia's international human rights obligations to not make the exercise of freedom of religion and belief dependent on state permission (see F18News 17 September 2015 <http://www.forum18.org/archive.php?article_id=2101>). Prosecutors use the lack of such notification as evidence against individuals accused of unapproved "missionary activity".

At present, no separate "offence" exists of failing to notify the authorities about a religious group. However, deputy Ramzil Ishsarin of the ruling United Russia party submitted a draft law to the State Duma on 2 December which would introduce financial penalties of up to 30,000 Roubles.

- Known Article 5.26, Parts 3, 4, and 5 cases so far

-- Part 3 ("Implementation of activities by a religious organisation without indicating its official full name")

1/Name: Administrative Centre of the New Apostolic Church in Russia

10 November

Punishment: 30,000 Roubles

Court: Donskoi District Magistrate's Court No. 245, Moscow

Circumstances: during Justice Ministry inspection of organisation's documents, it was found that the Centre was not using its full name in its activities, including in its contract with the Beeline phone and internet company, on its audio discs and magazine, and on its website

2/Name: Igor Osipenko

10 November

Punishment: 30,000 Roubles

Court: Sharypovo Magistrate's Court No. 164, Krasnoyarsk Region

Circumstances: Jehovah's Witness community chairman "committed an administrative offence in the form of inaction, as expressed in the implementation by the local religious organization of Jehovah's Witnesses of activity (a gathering of parishioners for Bible study) without specifying its official full name" - monitoring by the inter-district prosecutor's office found that the building's sign read "Jehovah's Witnesses' Kingdom Hall", rather than "Local religious organisation of Jehovah's Witnesses of the town of Sharypovo"

Appeal: 22 December, Sharypovo City Court

3/Name: Jehovah's Witness community, Khabarovsk

24 November

Punishment: 30,000 Roubles

Court: Industrial District Magistrate's Court No. 13, Khabarovsk

Circumstances: prosecutor's office inspection of Jehovah's Witness premises on 29 October found lack of signage or other information indicating official name of the organisation; representatives M. Tridtsatko and S. Sergeyev explained that between 2015 and October 2016 the building's facade had been undergoing repairs and argued that organisation carried out no activities during inspection - this was disregarded by judge; prosecution insisted that the sign was absent before repairs

Appeal: 26 December, Industrial District Court

4/Name: Word of Life Pentecostal Church, Samara

14 December

Punishment: 30,000 Roubles

Court: Soviet District Magistrate's Court No. 54, Samara

Circumstances: details unknown

Appeal: unknown

-- Parts 4 ("Russians conducting 'missionary activity'") and 5 ("Foreigners conducting 'missionary activity'")

5/Name: Ebenezer Tuah

1 August

Part 5

Punishment: 50,000 Roubles

Court: Moscow District Court, Tver

Circumstances: Ghanaian "Christ Embassy" Protestant leader detained during raid by police and prosecutors on a sanatorium where he was conducting baptisms; charged on 31 July (therefore third person to be charged); accused of conducting "religious rites and ceremonies, including religious gatherings, [posting] information about his beliefs on the internet with the aim of propagandising, and [performing] missionary activity...without the required documents", ie. written authorisation from group and evidence that group had notified Justice Ministry of existence

Appeal: unsuccessful - Tver Regional Court, 9 November

6/Name: Aleksei Teleus

5 August

Part 4

Punishment: 5,000 Roubles

Court: Magistrate's Court No. 3, Noyabrsk, Yamalo-Nenets Autonomous Region

Circumstances - Baptist pastor charged because children using playground at prayer house might have been able to hear sermons and prayers from inside and have access to religious literature; officials deemed playground an "unsanctioned children's camp" on 20 July, charges issued on 22 July (therefore first person to be charged)

Appeal: none

7/Name: Donald Ossewaarde

14 August

Part 5

Punishment: 40,000 Roubles

Court: Railway District Court, Oryol

Circumstances: American independent Baptist preacher legally resident in Russia charged for holding worship services in his home and advertising them on bulletin boards in residential building (which he denies); three police officers came to a service unannounced, then took Ossewaarde to the police station to be charged, then directly to court

Appeal: unsuccessful - Oryol Regional Court, 30 September; supervisory appeal unsuccessful - Oryol Regional Court, 15 November; appeal submitted to Supreme Court, 25 November

8/Name: Vadim Sibiryev

15 August

Part 4

Punishment: none - acquitted

Court: Magistrate's Court No. 3, Cherkessk

Circumstances: Hare Krishna adherent handed out religious literature in the street on 22 July and a recipient reported him to police; Sibiryev was charged on 28 July (therefore second person to be charged); the judge agreed that Sibiryev had been distributing literature as a private person, not as a representative of a religious association, therefore his actions did not "contain the attributes of missionary activity"

Appeal: none

9/Name: Aleksandr Yakimov

31 August

Part 4

Punishment: 5,000 Roubles

Court: Sernur District Magistrate's Court No. 36, Mari-El Republic

Circumstances: "New Generation" Pentecostal leader charged on 5 August for speaking at a village festival with a banner on stage bearing the name of his church; district prosecutor's office argued that he conducted "missionary activity" in a place not designated for it in the Religion Law and without written authorisation from a registered religious organisation

Appeal: unsuccessful - Sernur District Court, 7 October

10/Name: Archbishop Sergei Zhuravlyov

5 September

Part 4

Punishment: 5,000 Roubles

Court: Frunze District Magistrate's Court No. 181, St. Petersburg

Circumstances: Archbishop of Ukrainian Reformed Orthodox Church gave sermon at Messianic Jewish community on 27 August; police detained him during sermon, having received a message suggesting he was trying to convert Jews to Orthodoxy

Appeal: none

11/Name: Geshe Gualtso Dakpa

8 September

Part 4

Punishment: none - sent back and not resubmitted (though detained for separate offence)

Court: Kyzyl Magistrate's Court No. 4, Republic of Tuva

Circumstances: Buddhist monk (Indian-born, but a Russian citizen), director of "Centre for the Teachings of Nagarzhuna" in Kyzyl, gave lecture and performed "religious rites" in a hotel conference hall; found guilty of possession of narcotic substances without intent to sell and detained for one day; according to court website, "missionary" case sent back

Appeal: none

12/Name: Irina Tishchenko

14 September

Part 5

Punishment: 30,000 Roubles

Court: Factory District Court, Kemerovo

Circumstances: Ukrainian New Generation Pentecostal pastor, invited to visit local congregations, charged on 22 August for addressing private group of church members in the local pastor's home; detained by police in the early hours of following morning; case originally submitted to a magistrate, who sent it to the district court on 25 August

Appeal: unsuccessful - Kemerovo Regional Court, 21 November

13/Name: Ivan Denisov

4 October

Part 4

Punishment: 5,000 Roubles

Court: Lomonosov District Magistrate's Court No. 2, Arkhangelsk

Circumstances: Protestant leader (House of the Potter Church) charged with involving minors in a religious event on 29 July without their parents' written agreement - pleaded guilty; anti-extremism police "received information" that "unknown young people" had been handing out flyers advertising musical performances on 28/29/30 July, with free entry and free refreshments; from court verdict "According to available information, in the course of this concert religious rites may have been conducted in order to involve those present in a religious organisation of a destructive orientation (a sect), and negative opinions expressed against the Orthodox Church. Thus, in the actions of unidentified persons may perhaps have been seen signs of acts aimed at inciting hatred and enmity towards members of other religions. Possibly the spread of extremist literature, as well as the presence of minors at the event"

Appeal: none

14/Name: S.P. Kozin

11 October

Part 4

Punishment: none - acquitted

Court: Central District Magistrate's Court No. 2, Kaliningrad

Circumstances: Jehovah's Witness (same case as Furman - see below)

Appeal: none

15/Name: Andrei Matyuzhov

17 October

Part 4

Punishment: 40,000 Roubles - but since overturned on jurisdictional grounds

Court: Factory District Court, Kemerovo

Circumstances : New Generation Pentecostal pastor, charged 27 September for "missionary activity" in the absence of written authorisation from the religious group and proof of notification of the religious group's existence; Matyuzhov argued that this was a service in his home for friends and family, and that he did in fact have authorisation for "missionary activity" from the New Generation centralised religious organisation, and has subsequently submitted notification of his religious group's activities to the Justice Ministry

Appeal: verdict overturned - 30 November, Kemerovo Regional Court - and case sent for re-examination at Factory District Magistrate's Court No. 7 (date unknown)

16/Name: William Curtis Norton, Jr.

26 October

Part 5

Punishment: none - case sent back and not resubmitted

Court: Lenin District Court, Ulyanovsk

Circumstances: charged with preaching at a Seventh-Day Adventist meeting without a work permit, civil contract with a religious

organisation, or an invitation from a religious organisation; judge sent case back because of technical problems

Appeal: none

17/Name: Ivan Kumbrasyev

27 October

Part 4

Punishment: 5,000 Roubles

Court: Moscow District Magistrate's Court No. 4, Tver

Circumstances: Protestant pastor accused of carrying out "religious rites and ceremonies" on sanatorium premises and advertising them on the internet, "without the necessary documents and conditions" - Justice Ministry confirmed that Cornerstone Church (a religious group) has not submitted notification of its existence

18/Name: I.V. Parmon

9 November

Part 4

Punishment: none - acquitted

Court: Moscow District Magistrate's Court No. 4, Kaliningrad

Circumstances: Jehovah's Witness; with Kus (see below), engaged in conversation about the Bible with a man in the communal entrance to an apartment block, who reported them to the police for "promoting religious literature", which they denied; according to Jehovah's Witness press service, the judge, however, "noted that the Religion Law does not prohibit the dissemination of personal religious experience or dialogue on religious topics. The activities of believers who simply wanted to exercise their right to spread their religious views do not contain the set of attributes of missionary activity as established by law, and therefore cannot be regarded as a missionary"

Appeal: none

19/Name: Ts. Kus

11 November

Part 5

Punishment: none - acquitted

Court: Moscow District Court, Kaliningrad

Circumstances: Jehovah's Witness; same case as Parmon (see above)

Appeal: none

20/Name: S.A. Furman

15 November

Part 4

Punishment: none - acquitted

Court: Central District Magistrate's Court No. 2, Kaliningrad

Circumstances: Jehovah's Witness (same case as Kozin - see above)

Appeal: none

21/Name: Ivan Denisov

18 November

Part 4

Punishment: 6,000 Roubles

Court: Lomonosov District Magistrate's Court No. 2, Arkhangelsk

Circumstances: Protestant leader ("House of the Potter" Church") charged with involving minors in a religious event on 16 September without their parents' written agreement - this time, a rap concert in a banqueting hall; pleaded not guilty; judge noted that advertising flyers did not state that the event was religious

Appeal: 11 January 2017, Lomonosov District Court

22/Name: Olga Matyuzhova

27 November

Part 4

Punishment: unknown

Court: Factory District Court, Kemerovo

Circumstances: New Generation Pentecostal pastor; returned to prosecutors for technical reasons on 27 October and not initially resubmitted - details unknown but case appears to be related to same incident as in Andrei Matyuzhov's case above

Appeal: 28 December, Kemerovo Regional Court

23/Name: L.G. Pyshnaya

8 December

Part 4

Punishment: none - acquitted

Court: Svetly Magistrate's Court, Kaliningrad Region

Circumstances: Jehovah's Witness accused of urging a man at a bus stop to "become acquainted with religious literature, with the Bible" and trying to "involve him in the religious association" - denied giving him any literature or encouraging him to join anything; the man himself could not confirm that she was a member of any religious organisation; the judge concluded that police had not provided indisputable evidence of missionary activity

24/Name: Andrei Puchkov

14 December

Part 4

Punishment: 5,000 Roubles

Court: Central District Magistrate's Court, Tver

Circumstances: Hare Krishna adherent charged for organising a procession with music on 2 October; "experts" concluded that the event was "missionary activity"; also charged under Article 20.2, Part 1, for violating the established order for conducting public events; defence claimed that neither Puchkov nor any other participant spoke to anybody about their beliefs or handed out literature

Appeal: not yet submitted - Central District Court, Tver

25/Name: Vasili Zaitsev

16 December

Part 4

Punishment: 5,000 Roubles

Court: Sernur District Magistrate's Court No. 36, Mari-El Republic

Circumstances: Village elder, organised festival addressed by Pastor Yakimov, who was fined in August (see above)

Appeal: not yet submitted

26/Name: Yuri Dachev

19 December

Part 4

Punishment: 5,000 Roubles

Court: Magistrate's Court No. 3, Maikop, Adygea

Circumstances: Word of Life Pentecostal Church pastor, unknown details

Appeal: not yet submitted

-- Cases not yet heard in court

27/Name: Andrei Puchkov

Hearing due on 28 December

Part 4

Court: Proletarian District Magistrate's Court No. 5, Tver

Circumstances: Hare Krishna adherent charged for organising "Mantra Yoga" concert on 23 October of Indian music and chanting in "closed premises" but advertised on social media; prosecutors brought charges on 24 October but based on "expert" report of 20 October, produced before event had taken place

28/Name: P.A. Yemelevsky

Hearing due on 26 December

Part 4

Court: Petropavlovsk-Kamchatsky Magistrate's Court No. 3, Kamchatka

Circumstances: Hare Krishna - details unknown

29/Name: Dmitry Ugai

Hearing due on 9 January 2017

Part 4

Court: Central District Magistrate's Court No. 211, St. Petersburg

Circumstances: Hare Krishna adherent and yoga teacher gave a lecture on the ethical and spiritual bases of yoga at the "Vedalife" cultural festival on 22 October - this was interrupted by police who were "inspecting" the festival and Ugai taken to police station,

where he was questioned about his beliefs and released after more than two hours

30/Name: I.G. Matveyev

Hearing due on 19 January 2017

Part 4

Court: Vakhitovsky District Magistrate's Court No. 8, Kazan

Circumstances: Hare Krishna - details unknown

-- Cases dropped before coming to court

31/Name: Vladimir Knaub

22 August (date charged)

Circumstances: Free Seventh-day Adventist charged in Biysk, Altai Region, for incident on 13 July (before law came into force) - the distribution of religious books among non-church-members as part of a series of educational events in Altai Region and Altai Republic; when church approached Maima District administration with their literature, officials complained to the Republic's Committee for National Policy and Societal Relations on 9 August; church was accused of "missionary activity" outside list of permitted places (ie. in a state institution)

32/Name: Sergei Korepin

2 November (date charged)

Circumstances: Protestant detained by Moscow Patriarchate Orthodox activist for handing out New Testaments and Psalters on train at Yaroslavsky station on 7 October; charges dropped 2 December because a) police "experts" refused to carry out analysis of the Bible (because of 2015 amendment prohibiting extremism bans on major sacred texts); and b) because lawyers persuaded police that Korepin was not representing any organisation (despite officers' initial belief that he was sharing beliefs on behalf of the Gideons)

33/Name: Safarbi Keshokov

2 November (date charged)

Circumstances: Protestant, Moscow; as above - charges also dropped 2 December

(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=2215>.

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>.

A printer-friendly map of Russia is available at <<http://nationalgeographic.org/education/mapping/outline-map/?map=Russia>>.

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