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CRIMEA: One year of Russian "anti-missionary" punishments

By Felix Corley, Forum 18

Administrative cases were brought against 13 individuals in Crimea for "missionary activity" in year since Russia imposed such punishments. So far, 8 were fined about 10 days' average wages. Fourteen cases were brought against communities and individuals to punish failing to use organisation's full legal name.

One year on from the introduction of penalties in Russia for ill-defined "missionary activity" - which the Russian authorities also impose in Crimea, which they occupied in March 2014 - Forum 18 found 13 such administrative cases brought in Crimea against individuals (Article 5.26, Part 4). Eight of these - including Jehovah's Witnesses, Protestants, a Muslim and a Hare Krishna devotee - are known to have been fined about ten days' average local wages each. Some were punished for participating in religious meetings of a community they belonged to.

Forum 18 found a further 14 Administrative cases brought in Crimea against 7 religious communities and 7 individuals to punish them for failing to use the full legal name of a registered religious community (Article 5.26, Part 3). Eight of the cases have ended with fines of 30,000 to 50,000 Russian Roubles. The communities known to have faced administrative cases are: 2 Jehovah's Witness, 1 Pentecostal, 1 Hare Krishna, 1 Catholic and 1 Lutheran.

A full listing of known cases - based on court decisions and court records seen by Forum 18 - is at the foot of this article.

One human rights defender complained that the punishments not only violate the rights to freedom of religion or belief enshrined in the European Convention on Human Rights and Fundamental Freedoms, but also the Geneva Convention which enshrines the rights of civilians in occupied territories (see below).

Meanwhile, the Russian authorities in Crimea continue to hunt for religious literature which has been banned as "extremist" in Russia. Individuals continue to be fined. Muslims and Jehovah's Witnesses complain the authorities plant such literature during raids (see below).

All 22 registered Jehovah's Witness communities in Crimea were liquidated in May following the 20 April Russian Supreme Court decision to ban and liquidate their communities in Russia and seize their property. Jehovah's Witness communities in Crimea have particularly been targeted in the last two years for inspection as to whether they meet fire safety standards. One was fined 150,000 Russian Roubles (see below).

Tight Russian religious restrictions

Since the March 2014 Russian annexation of Crimea, local religious communities which wanted to continue to function had to re-register under Russian law. Many were forced to restructure themselves to meet Russian requirements. This usually entailed cutting ties to their fellow-believers elsewhere in Ukraine.

Individuals and religious communities were also subjected to the web of restrictions on religious activity enshrined in Russian law. They have faced raids, fines, religious literature seizures, government surveillance, expulsions of invited foreign religious leaders, unilateral cancellation of property rental contracts and obstructions to regaining places of worship confiscated in the Soviet period (see Forum 18's Crimea religious freedom survey <http://www.forum18.org/archive.php?article_id=2051>).

One year of Administrative Code Article 5.26

Russia annexed Crimea in March 2014 and since then has imposed its laws on the peninsula.

On 6 July 2016, President Vladimir Putin signed amendments imposing harsh restrictions on ill-defined "missionary activity", including where and by whom beliefs may be shared, and increased "extremism" punishments, introduced with alleged "anti-terrorism" changes. There were widespread Russian protests against the suddenly-introduced changes, which were 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>).

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 Administrative Code Article 5.26, Part 4 ("Russians conducting 'missionary activity'"). 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. Forum 18 cannot find that Part 5 has been used in Crimea.

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 (21,500 Ukrainian Hryvnias, 6,700 Norwegian Kroner, 715 Euros or 835 US Dollars) represents about three months' average wages for those in work, according to local residents.

The new Parts 3, 4 and 5 of Article 5.26 entered into force on 20 July 2016 and were immediately deployed to punish individuals in Russia (see F18News 26 August 2016 <http://www.forum18.org/archive.php?article_id=2211>).

Numerous such punishments have been imposed in Russia in the year since they came into force (see F18News 8 August 2017 <http://www.forum18.org/archive.php?article_id=2305>).

"Illegal actions of an extremist nature"?

A 29 January announcement on the Crimean Interior Ministry website described violations of Russia's Religion Law punishable under Administrative Code Article 5.26 as "illegal actions of an extremist nature".

An 11 April 2017 announcement on the Crimean Prosecutor's Office website warned that - under the restrictions introduced in Russia in 2016 - "missionary activity" can be undertaken only by registered religious organisations or religious groups which have notified the authorities of their existence. Religious organisations and groups need to formally designate a member as a "missionary" before that individual can share their faith with people who are not already members of their community, the announcement noted.

Illustrating that the Russian authorities regard sharing faith as a security issue, the 11 April announcement was signed by Andrei Alekseev, the head of the Department for Overseeing Fulfilment of Laws on Federal Security, Inter-Ethnic Relations and Countering Extremism and Terrorism at the Crimean Prosecutor's Office.

First known Crimean punishments

The first known punishment in Crimea under Administrative Code Article 5.26, Part 3 was of First Baptist Church in Simferopol. The Church was fined 50,000 Russian Roubles on 28 December 2016 for failing to display its full name on a sign outside its place of worship, exactly two weeks after Prosecutor's Office officials spotted the "violation".

The Church's leader did not deny the discrepancy, but told the court that the Church had simply failed to bring the notice into line with the name as recorded on the documents when the Church re-registered under Russian law, according to the decision seen by Forum 18.

The first known punishment in Crimea under Article 5.26, Part 4 was of a Muslim, Arsen Ganiev. He was fined 5,000 Russian Roubles on 9 February 2017 by a magistrate in Bakhchisarai for offering to others Muslim calendars and invitations to a commemoration of the Muslim Prophet Muhammad's birthday to be held at a restaurant, according to the decision seen by Forum 18.

Punishments in occupied Crimea a double violation?

Aleksandr Sedov of the Crimean Human Rights Group, who has analysed six of the Article 5.26 punishments in Crimea in 2017, noted that punishment for exercising the right to freedom of religion or belief violates Article 9 of the European Convention on Human Rights and Fundamental Freedoms.

"Limitation of this right is possible only in the interests of public safety and the protection of public order," Sedov noted on the group's website on 5 July. However, in all six of the cases he examined "there was no such threat".

Sedov also stated that "the restriction by occupying powers of the possibility of conducting religious rituals and the punishment for it of inhabitants of occupied territory violates Article 27 of the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War". The Russian Federation is a party to the 1949 Convention.

Article 27 includes the provision: "Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs."

Sudden death

In one case, Vitaly Arsenyuk, a 67-year-old Jehovah's Witness who led the community in Dzhankoi, died within 24 hours of his first court hearing under Administrative Code Article 5.26, Part 4. Magistrate Alkhaz Tulparov of Magistrate's Court No. 34 held the first hearing on 27 June, according to court records. The case was due to continue on 11 July. Arsenyuk died in the night of 27 to 28 June.

The Prosecutor's Office had summoned Arsenyuk several times in May for questioning, local journalist Anton Naumlyuk noted on his Facebook page on 30 June. The first hearing was 27 June. "That night Arsenyuk died of a massive heart attack. He was 67, had suffered persecution in Soviet times and now he did not survive."

Jehovah's Witnesses have not stated that Arsenyuk's death was due to the interrogations and court hearing.

"Extremist" literature hunted - or planted?

Police, the FSB security service and Prosecutor's Office have continued to hunt for literature Russian courts have deemed "extremist". Ownership of works on Russia's Federal List of Extremist Materials makes an individual liable to prosecution under the Administrative or Criminal Code (see Forum 18's Russia "extremism" religious freedom survey <http://www.forum18.org/archive.php?article_id=2215>).

The Federal List contains many violent, racist and xenophobic works. However, it also contains many Muslim and Jehovah's Witness works, as well as a few Falun Gong, Catholic and Jewish works, which do not appear to violate the human rights of others.

Since the Russian annexation of Crimea, religious communities, libraries and individuals have repeatedly faced raids and punishment over religious literature which is banned as "extremist" but which does not appear to violate the human rights of others.

Officers - often armed - have raided numerous madrassahs (Muslim colleges), libraries, Muslim-owned homes and Jehovah's Witness meetings seizing such literature. Individuals have been punished under Administrative Code Article 20.29 ("Production or distribution of extremist materials") (see Forum 18's Crimea religious freedom survey <http://www.forum18.org/archive.php?article_id=2051>).

On 8 November 2016, Yalta City Court fined two Imams in separate cases after copies of works including "Fortress of A Muslim" were found in their mosques in separate raids on 28 October 2016. Fevzi Tasinov and R. Useinov were each fined 1,000 Russian Roubles under Administrative Code Article 20.29, according to the decisions seen by Forum 18.

Crimean Tatar lawyer Emil Kurbedinov complained about the FSB security service raid on Imam Tasinov's mosque in Simeiz near Yalta. "They planted something, two books it seems," the lawyer wrote on his Facebook page on the day of the raids.

On 1 February 2017, Crimea's Supreme Court upheld the fine of 2,000 Russian Roubles originally handed down on 24 November 2016 by Yevpatoriya City Court on Elmar Abdulganiev, Imam of the city's Khan-Jami Mosque. The FSB security service and Prosecutor's Office claim to have found works on the Federal List by the late Turkish theologian Said Nursi when they raided the mosque in the dark on 14 November 2016. Imam Abdulganiev insisted officers had planted the books.

On 2 July 2016, Prosecutor's Office officials and police raided the Jehovah's Witness community as it worshipped in the city of Alushta. Jehovah's Witnesses complain that officers planted items of their literature which had earlier been banned and placed on the Federal List.

Jehovah's Witnesses stripped of registration

In April 2015, the Justice Department in the Republic of Crimea registered 20 Jehovah's Witness congregations, according to official records. The following month the Justice Department in the administratively-separate city of Sevastopol registered two Jehovah's Witness congregations.

All 22 Jehovah's Witness communities in Crimea were liquidated in May 2017. These liquidations followed the Moscow Supreme Court decision on 20 April that Russia's Jehovah's Witness administrative centre and all local communities were "extremist" and liquidated, with their property to be seized (see F18News 20 April 2017 <http://www.forum18.org/archive.php?article_id=2274>).

Jehovah's Witnesses pointed out that the enforced liquidation demanded by Russia's Justice Ministry in March came less than two years after the same entity had granted their communities in Crimea registration under Russian law. "For the 8,000 believers on the

[Crimean] peninsula, who have been freely professing their religion for decades, this came as a complete surprise," Jehovah's Witnesses noted on 30 March.

All 22 Crimean communities - like the local communities in Russia - appealed to Russia's Supreme Court to be added as parties to the case. The Supreme Court rejected their suits. The 22 communities have submitted private appeals against this, which have yet to be heard.

Other inspections, fines

Even before their forced liquidation, Jehovah's Witness congregations in Crimea were subjected - like other religious communities - to inspections as to whether they were complying with Russia's Religion Law and whether the places they were meeting met the requirements for fire safety.

On 24 May 2016, for example, the deputy prosecutor of Sevastopol's Gagarin District ordered Jehovah's Witness community leader Yevgeny Butsy to remove violations of the Religion Law, the NGO Law and the Extremism Law. The deputy prosecutor said the community had used a shortened form, not its full legal name, on instructions of how to evacuate the building in case of fire and other documents.

Prosecutors brought a case against Butsy under Administrative Code Article 17.7 as the community responded only one month and one day after the official written demand to remove violations. A Magistrate's Court twice dismissed the case, but prosecutors appealed both times. Sevastopol's Gagarin District Court approved the prosecutor's second appeal on 1 June 2017 and sent the case back to be heard for a third time, according to the decision seen by Forum 18.

Butsy was fined separately under Administrative Code Article 5.26 (see below).

Cases against Jehovah's Witness communities have also been brought to punish them for alleged violations of fire regulations. Fines are issued under Administrative Code Article 20.4.

A 22 October 2015 Prosecutor's Office and fire inspector's inspection of the Jehovah's Witness place of worship in Saki claimed to have found violations, for example. The inspector issued a summary fine of 150,000 Russian Roubles on 5 November 2015 under Administrative Code Article 20.4. Jehovah's Witnesses claim the inspection took place with violations of procedure.

However, the Saki Jehovah's Witness community failed to overturn the fine, most recently at Crimea's Supreme Court on 2 December 2016, according to the decision seen by Forum 18. However, later at later hearings the community managed to delay the deadlines for paying instalments of the fine.

On 7 February and 9 March 2017 the Supreme Court similarly rejected appeals against Article 20.4 fines by the leaders of the Jehovah's Witness communities in Yevpatoriya (15,000 Rouble fine) and Mirny (6,000 Rouble fine).

Known Article 5.26 cases in Crimea

- Article 5.26, Part 3 ("Implementation of activities by a religious organisation without indicating its official full name")

1) 28 December 2016

Name: First Baptist Church, Simferopol

Punishment: 30,000 Roubles

Court: Simferopol Central District Court

Circumstances: Notice on church building failed to include full legal name

2) 18 February 2017

Name: Grigory Stasyuk

Punishment: 30,000 Roubles

Court: Yalta Magistrate's Court No. 96

Circumstances: Seventh-day Adventist Church leader, failed to have sign outside church (church was undergoing repair and sign was in hall)

3) 7 April 2017

Name: St Mary Augsburg Lutheran Congregation, Yalta

Sent back for correction and resubmission

Court: Yalta Magistrate's Court No. 95

Circumstances: Originally sent back for correction and resubmission

31 January 2017

4) 28 April 2017

Name: Jehovah's Witness congregation, Kerch

Punishment: 50,000 Roubles

Court: Kerch Magistrate's Court No. 46

5) 11 May 2017

Name: Nikolai Blyshchik

Punishment: 30,000 Roubles

Court: Bakhchisarai Magistrate's Court No. 29

Circumstances: Revival Pentecostal Church leader, failed to have sign outside church

6) 22 May 2017

Name: Jehovah's Witness congregation, Yalta

Case dropped because of liquidation of community

Circumstances: Failure to have a sign outside place of worship

Court: Yalta Magistrate's Court No. 94

7) 15 June 2017

Name: Living Water Pentecostal Church, Yevpatoriya

Punishment: 30,000 Roubles

Court: Yevpatoriya Magistrate's Court No. 42

Circumstances: Sign on church building did not have full legal name of church

8) 21 June 2017

Name: A.A. Stadnikov

Sent back for correction and resubmission

Court: Dzhankoi Magistrate's Court No. 34

Circumstances: Belief affiliation unknown

9) 22 June 2017

Name: Yevgeny Butsy

Punishment: 30,000 Roubles

Court: Sevastopol, Gagarin District Magistrate's Court No. 8

Circumstances: Jehovah's Witness

Appeal: Sevastopol, Gagarin District Court

Reached court: 3 July 2017

10) 27 June 2017

Name: Immaculate Conception of the Virgin Mary Roman Catholic

Church, Yalta

Punishment: 30,000 Roubles

Court: Yalta Magistrate's Court No. 95

Circumstances: case had been sent on 5 April 2017 from Yalta City Court to Magistrate's Court No. 94, on 11 April 2017 from Magistrate's Court No. 94 to Magistrate's Court No. 95, then returned on 14 April 2017 for correction and resubmission

11) 4 July 2017

Name: Yevgeny Zhukov

Sent back for correction and resubmission

Court: Sevastopol, Magistrate's Court No. 20

Circumstances: Jehovah's Witness, sent back originally for correction and resubmission 19 April 2017

12) 7 July 2017

Name: Vadim Opyakin

Punishment: 30,000 Roubles

Bakhchisarai Magistrate's Court No. 28

Circumstances: 11 April 2017 inspection of Jehovah's Witness place of worship found notice outside did not have full name of organisation

13) 17 July 2017

Name: Denis Titarenko

Court: Pervomaiskoe Magistrate's Court No. 66

Circumstances: Jehovah's Witness, case originally returned 29 May 2017 for correction and resubmission, then hearing 13 July

14) 7 August 2017

Name: Crimean Association of Krishna Consciousness

Hearing due (earlier hearings 21 June, 28 June, 14 July 2017)

Court: Bakhchisarai Magistrate's Court No. 27

- Article 5.26, Part 4 ("Russians conducting missionary activity")

1) 9 February 2017

Name: Arsen Ganiev

Punishment: 5,000 Roubles

Court: Bakhchisarai Magistrate's Court No. 29

Circumstances: Muslim, offered calendars and books, announcement of Muslim Prophet Muhammad's birthday commemoration to be held in restaurant

2) 27 February 2017

Name: Enver Islyamov

Punishment: 5,000 Roubles

Court: Feodosiya Magistrate's Court No. 90

Circumstances: Muslim who organised meeting in hotel on behalf of Muftiate

3) 28 April 2017

Name: Ivan Vasiliev

Punishment: 5,000 Roubles

Court: Simferopol, Central District Magistrate's Court No. 16

Circumstances: Hare Krishna devotee, fined for leading January 2017 procession on the streets of Simferopol

Appeal: Simferopol Central District Court

Decision: 7 July 2017

4) 10 May 2017

Name: V.V. Larionov

Sent back for correction and resubmission

Court: Simferopol, Kiev District Magistrate's Court No. 11

Circumstances: Belief affiliation unknown

5) 13 June 2017

Name: Sergei Kolomoets

Punishment: 5,000 Roubles

Court: Sevastopol, Lenin District Magistrate's Court No. 14

Circumstances: Pastor, New Generation Church, police inspection revealed he was leading regular Sunday worship on 9 April

6) 15 June 2017

Name: Dmitry Sofronov

Case dropped

Court: Simferopol, Central District Magistrate's Court No. 20

Circumstances: Spoke at 20 April religious meeting of his Jehovah's Witness community without authority

7) 15 June 2017

Name: Sergei Martyushov

Punishment: 5,000 Roubles

Court: Kerch Magistrate's Court No. 46

Circumstances: Spoke at 10 April religious meeting of his Jehovah's Witness community without authority

8) 19 June 2017

Name: Eduard Kudin

Punishment: 5,000 Roubles

Court: Kerch Magistrate's Court No. 46

Circumstances: Spoke at 10 April religious meeting of his Jehovah's Witness community without authority

9) 19 June 2017

Name: Dmitry Sazonov

Punishment: 5,000 Roubles

Court: Yalta Magistrate's Court No. 94

Circumstances: Read Bible, sang songs and prayed at Jehovah's Witness services without authority

Appeal: Yalta City Court

Reached court: 12 July 2017

Hearing due: 14 August 2017

10) 20 June 2017

Name: Artyom Morev

Punishment: 5,000 Roubles

Court: Yalta Magistrate's Court No. 95

Circumstances: Pastor of Generation of Faith Pentecostal church, case transferred 25 April 2017 from Yalta City Court to Yalta Magistrate's Court No. 95, case returned 28 April 2017 for correction and resubmission

11) 27 June 2017

Name: Vitaly Arsenyuk

First hearing

Court: Dzhankoi Magistrate's Court No. 34

Circumstances: Jehovah's Witness, Arsenyuk died night following first hearing

12) 12 July 2017

Name: Pavel Grishchenko

Case reached court

Court: Simferopol, Central District Magistrate's Court No. 16

Circumstances: Council of Churches Baptist

13) 26 July 2017

Name: Pavel Shpak

Hearing due

Court: Simferopol, Central District Court

Circumstances: Council of Churches Baptist, led Sunday worship service of his church on 30 April 2017 attended by two police college students, raided at end by police and prosecutor's office officials, case reached court 27 June 2017

(END)

Reports on freedom of thought, conscience and belief in Crimea can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=86>.

For more background information see Forum 18's religious freedom survey of Crimea at http://www.forum18.org/archive.php?article_id=2051.

A printer-friendly map of the disputed territory of Crimea, whose extent is not marked, can be found in the south-east of the map entitled 'Ukraine' <http://nationalgeographic.org/education/mapping/outline-map/?map=Ukraine>.

Reports and analyses on freedom of thought, conscience and belief in Russia within its internationally-recognised territory can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=10>.

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