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RUSSIA: Article 20.29 causes 60-day community ban, fines, and bookshop closure

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Prosecutors often use Article 20.29 of the Code of Administrative Offences to try to punish individuals, religious communities and bookshops found to have religious literature which has controversially been banned, Forum 18 News Service has found. A court in Primorsky Region banned a Jehovah's Witness community for 60 days after a raid found 16 copies of their publications which have been placed on Russia's Federal List of Extremist Materials. A Muslim bookshop in Tolyatti was fined 50,000 Roubles (nearly 11 months' minimum wage) after a prosecutor and officers of the Police's Anti-Extremism Centre found two copies of books by a Turkish Sufi teacher. "The books have been banned and are on the Federal List, so they have to be seized. That's all," a Prosecutor's Office official told Forum 18. Verdicts often order confiscated literature to be destroyed.

In parallel with attempts by prosecutors to punish religious believers on "extremism"-related criminal charges, prosecutors often try to punish individuals, religious communities and bookshops under Article 20.29 of Russia's Code of Administrative Offences, Forum 18 News Service has found. Jehovah's Witnesses told Forum 18 their members and communities have faced 56 such prosecutions since the beginning of 2010, although fewer than a third end with a conviction. Muslims – particularly those who read the works of the late Turkish Muslim theologian Said Nursi - have also faced such prosecutions.

A court in Primorsky Region banned a Jehovah's Witness community for 60 days under Article 20.29, while a bookshop in Tolyatti was given a massive fine simply for having two copies of Muslim books which have controversially been banned as "extremist". Verdicts seen by Forum 18 often order confiscated religious literature which has been banned to be destroyed.

Jehovah's Witnesses and readers of Nursi's works are particular targets of anti-"extremism" raids and prosecutions. Numerous Jehovah's Witness publications and works by Nursi are among more than 100 bona fide religious publications banned through the courts and placed on the Justice Ministry's Federal List of Extremist Materials. Russia's Supreme Court has banned Nurdzhular, an organisation which Nursi readers insist does not exist (see Forum 18's Russia "Extremism" religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

After discovering "banned" religious literature, prosecutors can choose whether to use criminal or administrative charges. Three criminal trials of Nursi readers and a Jehovah's Witness on "extremism"-related charges are known to be underway, with further individuals facing criminal investigation (see F18News 10 October 2012 http://www.forum18.org/Archive.php?article_id=1752).

Administrative charges

Article 20.29 was added to the Code of Administrative Offences in July 2007. The Article punishes "Production or distribution of extremist materials" with a fine of up to 3,000 Roubles (about three weeks' official minimum wage) or up to 15 days' detention for individuals and the confiscation of the materials. Organisations can be punished with a fine of between 50,000 and 100,000 Roubles or a ban of up to 90 days, as well as confiscation of the materials (see F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

Jehovah's Witnesses told Forum 18 that the 56 such prosecutions since 2010 occurred in 26 of Russia's 83 regions, with the most – six cases – in Primorsky Territory in the Far East. A total of 36 attempts to prosecute their adherents occurred in 2010, of which ten resulted in convictions. In 2011 attempted prosecutions fell to 11, of which just two resulted in convictions. Between January and 10 October 2012, prosecutors launched nine such cases, of which five resulted in convictions, two have been halted and two are currently underway.

It remains unknown how many Muslims have faced such prosecutions.

Blagoveshchensk fine

On 1 October, a Magistrate in Blagoveshchensk in Amur Region found Denis Manuilin, a 33-year-old convert to Islam, guilty under

Article 20.29, Amurskaya Pravda noted on 4 October, citing information from the police and the regional FSB security service. He was given the maximum fine for individuals of 3,000 Roubles.

Describing Manuilin as a "religious fanatic" and a member of Nurdzhular, the report said the police and FSB had discovered "banned literature" in his Blagoveshchensk flat. "Attending the namaz [prayers], he got to know people and invited them to his home 'to study Islam in greater depth'," the newspaper quotes an unnamed police officer as saying. Coming to the attention of the police, officers raided his rented flat in September.

Salsk fine

On 13 September, Magistrate Valentin Fomenko found local Muslim Eldar Bakhtiyarov guilty under Article 20.29 at Judicial Unit No. 6 of Salsk District of Rostov-on-Don Region. He fined him 3,000 Roubles, plus confiscation of the book on the Federal List that led to the prosecution, according to the verdict seen by Forum 18.

The verdict reveals that the regional branch of the FSB security service passed on information about Bakhtiyarov to the prosecutor's office, which then raided his home. One copy of a banned book was discovered, which he had used to teach Islam. Bakhtiyarov told the court that he did not know the book was banned and on the Federal List.

Sergei Zadoyan, Salsk's Deputy Prosecutor, told Forum 18 on 10 October that he was not familiar with Bakhtiyarov's case in detail. However, he identified the "extremist" book Bakhtiyarov had been punished for using as "Introduction to Islam". Two books of this title were among more than 65 Muslim publications banned by Orenburg's Lenin District Court on 21 March and added to the Federal List on 12 July (see F18News 30 July 2012 http://www.forum18.org/Archive.php?article_id=1726).

Tolyatti bookshop fine

Not only individuals but companies have been prosecuted. On 12 September, Judge Yelena Nikonova of Avtozavodsky District Court in Samara Region's city of Tolyatti found the Katyusha company guilty under Article 20.29, the court website notes. Katyusha was fined 50,000 Roubles, the minimum fine under the Article for legal entities.

On 3 October, Katyusha lodged an appeal against the verdict. The appeal is due to be heard on 23 October at Samara Regional Court, Avtozavodsky Court officials told Forum 18 on 11 October.

Oksana Porzova of Tolyatti Prosecutor's Office said that one of her colleagues, together with officials of Samara Regional Police's Anti-Extremism Centre conducted a joint inspection on 15 August as to whether the Chakona bookshop run by Katyusha had on sale books on the Federal List. She said officers had discovered that two books by the Istanbul-based Naqshbandi Sufi teacher Osman Nuri Topbas were on sale. "The sales assistant offered them for sale," she told Forum 18 on 11 October.

The two were among fourteen of Topbas' books included in the more than 65 publications banned by Orenburg's Lenin District Court in March and added to the Federal List in July.

Porzova defended the inspection, insisting it had been part of inspections of all local bookshops. Asked whether inspecting bookshops is a good use of prosecutors' time, given other serious crimes which have doubtless taken place in the town, she responded: "The law requires this. The books have been banned and are on the Federal List, so they have to be seized. That's all."

Vladimir Polyakov, spokesperson for Samara Regional Police, told Forum 18 on 11 October that he was unable to comment immediately on the case. Asked if such a fine was appropriate for two copies of books on the Federal List, he responded: "If I cross a road when there is a red light just once, is it not a crime? A car might have to swerve and could kill someone." Asked whether such inspections are a good use of time for officers of the Anti-Extremism Centre and whether the Region has dangerous extremists who might be more of a priority, he repeatedly declined to answer.

Primorsky fine

Among five Jehovah's Witnesses prosecuted under Article 20.29 in Primorsky Territory in 2012 was Olga Shishkina. The verdict - seen by Forum 18 - reveals that police raided her home on 25 April and discovered eleven Jehovah's Witness books on the Federal List. The case was launched against her the following day.

Shkotovsky District Judicial Unit No. 97 fined Shishkina 2,000 Roubles on 25 June and ordered the "extremist" literature to be confiscated. Shkotovsky District Court rejected her appeal on 10 August, according to the verdict. She argued in her appeal that simply owning the books did not prove that she intended to distribute them.

The raid came a day after Jehovah's Witness elder Yuri Vasilchenko was fined 3,000 Roubles under the same Article in the nearby town of Spassk-Dalny (see F18News 1 August 2012 http://www.forum18.org/Archive.php?article_id=1728).

60-day ban

The Jehovah's Witness community in Dalnerechensk in Primorsky Region was closed down for 60 days after it was convicted under Article 20.29. Judge Yelena Chuprova of Dalnerechensk District Court handed down the punishment on 15 May, the court website notes. The case was launched after a 27 April search of the community's place of worship uncovered 16 copies of various Jehovah's Witness works on the Federal List.

The community's leader Vyacheslav Medvedev challenged the ruling on behalf of the community, claiming that he had not been read his rights before signing a statement. However, Judge Yana Kudrina of Primorsky Regional Court rejected the community's appeal on 28 June, according to the verdict seen by Forum 18.

Bookshop temporarily closed

The Islamic Goods shop in Mozdok in North Ossetia run by Shirvani Ismailov was ordered temporarily closed after a 100-minute joint inspection by prosecutors, officers of the FSB security service and the Police Anti-Extremism Centre led to eight Muslim books being seized.

On 16 April, Judge Yelena Bondarenko of Mozdok District Court found the shop guilty under Article 20.29 and suspended its operation for a limited period, the verdict seen by Forum 18 reveals. As only one of the seized books was on the Federal List, the court ordered the other seven to be returned. The verdict ordered the one book to be "confiscated", but did not say whether it was to be destroyed.

The verdict as published has the title of the banned book removed, so the exact nature of its content is unclear. However, were the book to have called for serious crime it would probably have led to a criminal prosecution.

Ismailov told the court he did not know the book was on the Federal List. He said that as he has a family with five children to support, he did not have the money to pay a fine.

Another bookshop – case closed

By contrast, attempts to prosecute the Bukva bookshop in the Primorsky District of St Petersburg under Article 20.29 failed on technical grounds, according to the verdict seen by Forum 18. A 23 November 2011 inspection found a book on the Muslim Prophet Muhammed from the Moscow Muslim publishers Umma to be on sale while being on the Federal List.

However, on 22 February 2012 Judge Yekaterina Bogdanova of Primorsky District Court ruled that the case had to be dismissed because doubt over who owned the bookshop had led to attempts to prosecute the wrong company. The verdict – seen by Forum 18 – does not indicate what happened to the confiscated book.

Overtured

Jehovah's Witnesses have had some success overturning Article 20.29 fines, though not court-ordered confiscation and destruction of confiscated literature. Judge Aleksandr Kartashov of Tver Regional Court on 18 October 2011 overturned a fine of 1,000 Roubles on Jehovah's Witness Lyubov Belimova handed down by a local Magistrate in December 2010, according to the verdict seen by Forum 18.

Judge Kartashov found that distributing 38 copies of "Watchtower", "Awake!" and other Jehovah's Witness publications which were on the Federal List did not constitute a violation of Article 20.29 as Belimova had given them only to individuals to read, not with the intention that they should distribute them "massively". However, he upheld the decision to "confiscate and destroy" the 38 publications. (END)

For more background, see Forum 18's surveys of the general state of religious freedom 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.

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

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