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RUSSIA: Prosecutions for public evangelism and public meetings for worship

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

Communities who exercise freedom of religion or belief in public without Russian state permission may find their members facing five-figure Rouble fines if they do not inform the local authorities in advance, Forum 18 News Service notes. It is possible that changes to the Religion Law may have a positive effect on cases currently before the courts, such as that of a Sochi Protestant leader fined for holding prayers and a Bible study in a rented café. The FSB security service was behind that case, sending officials to attend the meeting. However, a new Criminal Code Article 212.1 ("Repeated infringement of the established procedure for organising or conducting a gathering, meeting, demonstration, procession, or picket") may have a chilling effect on exercising freedom of religion or belief in public. The Sochi Bible study group has ceased to meet fearing prosecution under this Article, their lawyer told Forum 18. However, Aleksandr Verkhovsky of the SOVA Centre for Information and Analysis thinks the authorities may seek to avoid prosecuting religious or belief communities under this article. "Political protesters will go first", he thought.

Communities who exercise freedom of religion or belief in public without state permission may find their members facing five-figure Rouble fines if they do not inform the local authorities in advance, Forum 18 News Service notes. This is despite a Russian Constitutional Court ruling removing the requirement to notify the authorities in many cases. Many activities in many places may draw the attention of officials. In Sochi, for example, a Protestant community leader is challenging a fine imposed for holding prayers in a rented café. A Baptist preacher in Smolensk will soon appeal against his conviction for handing out religious literature in a public park. Another Baptist in Orel has been fined for organising outdoor hymn singing in a children's playground.

Failure to notify the authorities may result in charges under Part 2 of Article 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession, or picket") of the Code of Administrative Offences. This may result in fines of 20,000 to 30,000 Roubles (about 2,470 to 3,700 Norwegian Kroner, 290 to 430 Euros, or 320 to 480 US Dollars) for individuals, 20,000 to 40,000 Roubles (about 2,470 to 4,950 Norwegian Kroner, 290 to 575 Euros, or 320 to 640 US Dollars) for an organisation's officials, and 70,000 to 200,000 Roubles (about 8,670 to 24,700 Norwegian Kroner, 1,005 to 2,900 Euros, or 1,125 to 3,200 US Dollars) for organisations themselves.

Legal background

The public exercise of freedom of religion or belief is mainly governed by the 1997 Religion Law and the 2004 Demonstrations Law. The Demonstrations Law lists sites where religious and other events are never permitted, including on railways, in border zones, near gas pipelines and outside the President's residence. Article 16 of the Religion Law outlines those places where "services, rites, and other ceremonies" are allowed without restriction and without any requirement to inform the authorities.

In other cases, organisers may have to notify the authorities of the event. The authorities must then ensure that the event goes ahead peacefully. This does not constitute seeking permission – the authorities can only stop an event proceeding if:

- a) the notification comes from a person without the right to provide it;
- or b) the event is planned for a prohibited location.

Otherwise, the authorities may only point out organisational shortcomings to be eliminated and warn of the possibility of court proceedings in the case of any legal violations.

However, this has not stopped mainly Protestants and Jehovah's Witnesses – who often do not have their own permanent buildings – from being fined or threatened with fines for organising or conducting meetings for worship which has not been specifically approved by the local authorities. Local police and prosecutor's offices have insisted that such permission is required, and bring cases under Administrative Code Article 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket"). The legality of these prosecutions under the Constitution and the Religion Law has been challenged, but prosecutions have still been successful (see F18News 28 October 2011)

http://www.forum18.org/archive.php?article_id=1631).

Recent amendments

However, October 2014 changes to Article 16 of the Religion Law have further clarified the types of place in which worship activities are allowed without prior notification. They should make it impossible to bring charges under Article 20.2, Part 2, if a meeting for worship or ceremony is carried out in premises or on land rented by a religious association for this purpose, Inna Zagrebina of Moscow's Guild of Experts on Religion and Law commented to the SOVA Center for Information and Analysis on 24 November 2014.

It is possible that this amendment may have a positive effect on cases currently before the courts, such as that of a Sochi Protestant leader fined for holding prayers in a rented café (see below). However, the new Criminal Code Article 212.1 ("Repeated infringement of the established procedure for organising or conducting a gathering, meeting, demonstration, procession, or picket") may have a chilling effect (see below).

Article 16 has been expanded to state:

"In other cases, public worship services and other religious rites and ceremonies (including prayer and religious assemblies) carried out in public places, in conditions which require the adoption of measures to ensure public order and the security of the participants of religious rites and ceremonies, as well as those of other citizens, are carried out in the manner prescribed for rallies, marches and demonstrations".

This incorporates a 2012 Constitutional Court judgement, which states that prior notification is not required when safety measures are not necessary - the main ostensible purpose of the authorities being notified. The ruling followed prosecution – not for safety reasons - of two Jehovah's Witnesses in Belgorod Region for meeting for worship without state approval (see F18News 3 January 2013 http://www.forum18.org/archive.php?article_id=1787).

Poorly defined

But the situation remains poorly defined. The Religion Law's Article 16 still refers only to "worship services and other religious rites and ceremonies", and not to other activities such as the distribution of literature. For instance, as Zagrebina of the Guild of Experts on Religion and Law points out, "evangelisation carried out in the courtyards of house, parks, and open squares does not fall under Article 16", and so believers themselves will have to determine whether the conditions of their "event" will require public health or security measures when deciding whether to notify the authorities.

Public space where it is not clear whether the public exercise of freedom of religion or belief is freely permitted and the prohibited remain unspecified. Forum 18 notes – based on Article 20.2 cases brought in 2014 - that these include rented cafés, cinemas, houses of culture, the street, a playground and a public square. In one case a prosecution was brought for a meeting in a private home.

So it is still unclear how far the amendments will enable the public exercise of freedom of religion or belief. Aleksandr Verkhovsky, Director of the SOVA Centre, commented that "it's still an issue" for groups such as the Baptists and Jehovah's Witnesses "while some things will move more smoothly now". However, "officials still have a wide choice for interpretation" of the law, he noted to Forum 18 on 25 February.

This lack of clear definition feeds into a further problem – that of misapplication of the law by officials who interpret the requirement for prior notification as a requirement for permission from the authorities. In two of the cases outlined below, officials demanded to see "permission" for the events to be held, despite permission not being a legal requirement.

Related cases have reached the European Court of Human Rights in Strasbourg. In 2007 the Court unanimously ruled that it was not lawful for Russia to ban a church from meeting for worship in a public park, and that the authorities should uphold their right to meet in public (see F18News 1 August 2007 http://www.forum18.org/archive.php?article_id=1001).

New criminal offence

Although no related criminal charges have yet been brought in cases of religious events, Russian believers fear that it is now a possibility. A new Article 212.1 ("Repeated infringement of the established procedure for organising or conducting a gathering, meeting, demonstration, procession, or picket") was added to the Criminal Code on 21 July 2014. This makes repeated violations of any part of Administrative Code Article 20.2 a criminal offence. Those convicted face:

– a fine of 600,000 to 1 million Roubles (about 74,260 to 123,785 Norwegian Kroner, 8,620 to 14,380 Euros, or 9,650 to 16,000 US Dollars) or the equivalent of two to three years' salary;

– or compulsory work for up to 480 hours;

- or correctional labour for one to two years;
- or forced/hard labour for up to five years;
- or up to five years' imprisonment.

"Repeated violations" are defined as more than two in a period of 180 days. Three people have so far been prosecuted under this article for political protests.

The Protestant prayer group whose leader was fined for holding a Bible study session in a Sochi café (see below) fears prosecution under the new Criminal Code Article 212.1 if they continue to meet. They have therefore stopped meeting, their lawyer Aleksandr Popkov told Forum 18 on 14 February.

Article 212.1 could be used against the exercise of freedom of religion or belief, Verkhovsky of the SOVA Centre agreed. But he thinks the authorities will seek to avoid this. "Political protesters will go first", he thought.

Forum 18 asked the office of the Ombudsperson for Human Rights on 26 February whether it thought the exercise of freedom of religion or belief would be prosecuted under Article 212.1, and if it thought this would have a negative effect on freedom of religion or belief. No reply to these questions had been received by the end of 2 March, but a reply was promised after 4 March.

23 known cases in 2014

Twenty three cases are known to have been brought against religious communities or individuals under Article 20.2, Part 2 in 2014. Five were related to the same incident in Barnaul. All related to incidents which occurred before the amendments to the Religion Law came into force on 22 October 2014.

Eleven cases ended in acquittals, frequently as the result of the judge applying the Constitutional Court ruling of December 2012. Several cases ended in convictions in very similar circumstances, suggesting that the Constitutional Court ruling is being inconsistently applied across the country.

The 23 cases primarily involved Jehovah's Witnesses (12 cases), but also unregistered Baptists (2 cases), Evangelical Protestants (1 case), and Buddhists (1 case). The affiliation of the rest is unknown, although the language of the verdicts suggests they were Protestants.

The FSB, police and prosecutors go to a Sochi Bible study

On 28 September 2014 a regular Bible study session in a Sochi café was being run by Aleksei Kolyasnikov for his unregistered "Society of Christians", to pray and read the scriptures on Sunday afternoons. That day, however, they were joined by newcomers who later revealed themselves to be FSB security service officers. Prosecutor's office officials and officers from the local police "Anti-Extremism" Department were also present.

A letter of 26 August 2014 shows that the FSB security service initiated the case (see below).

"After the officials entered the café, they asked to attend the meeting", Pastor Kolyasnikov told Forum 18 on 18 February 2015. "We allowed them. After the meeting, they introduced themselves and began to take testimony from the people there. Some of them tried to discourage members from going to our meetings. The officials also took a statement from me there and then. They did not say anything about an administrative charge. Later, one of the officers called and invited me to the Prosecutor's Office, and there he explained to me my 'administrative offence'."

Kolyasnikov told the *sovsekretno.ru* news website on 15 December that "The prosecutor kept asking: 'Did you receive permission or not?' I said: 'Perhaps notification should have been sent?' No, permission. I went specially to the administration to ask – they said notification was not necessary".

"I cannot name any violations in this case"

Tatyana Katanidi of the Sochi mayor's office confirmed to the *Caucasian Knot* news website that "the café is indoors and notification is not required. I cannot name any violations in this case in the way of notifying the administration".

Kolyasnikov was fined 30,000 Roubles (now about 3,700 Norwegian Kroner, 430 Euros, or 480 US Dollars) by Judge Nikolai Volkov at Magistrates' Court No. 99 on 10 October 2014. On appeal to Khostinsky District Court on 2 December, this decision was overturned by Judge Grigory Leoshik, who ruled that magistrates did not have the authority to deal with such matters and sent the case for re-examination. The same Judge Leoshik reinstated the fine (the largest possible for an individual) on 12 December.

"The consequences are quite serious"

On 28 January 2015, Krasnodar Regional Court upheld the earlier fine. Lawyers Aleksandr Popkov and Vladimir Ryakhovsky tried to have the ruling overturned. "Nobody listened to us there. As usual," Popkov complained to Forum 18 on 14 February.

He continued: "The consequences are quite serious. The pastor and his flock are afraid that persecution will continue. If they repeatedly commit such an 'offence', then Kolyasnikov could face criminal charges and up to five years' imprisonment" under Article 212.1 of the Criminal Code. He also pointed out that the case sets a "dangerous" precedent for Protestants elsewhere in Russia, as so many of them pray in rented premises.

Pastor Kolyasnikov told Forum 18 that his group is no longer meeting as before, but that they have joined a registered community in Sochi which has its own building for worship.

FSB behind case

A letter of 26 August 2014, seen by Forum 18, shows that the FSB security service initiated the case against Kolyasnikov. General Aleksandr Rodionov, head of the Sochi FSB, wrote to Mark Bolshedvorskyy, regional First Deputy Prosecutor/Sochi City Prosecutor, expressing concern over the "evangelism" being carried out among Bel Canto's customers, "the principal focus of which is to bring people to the Christian faith". A spokeswoman refused to explain why the case was instigated when Forum 18 telephoned the city Prosecutor's Office on 26 February, saying that all information requests must be submitted by fax or post.

FSB General Rodionov linked Kolyasnikov to regime change in Ukraine, "based on the ideology of pro-Western Protestant religious movements with financial support from NATO and EU countries, which present the threat of formation in Russia of so-called 'anti-Russian (antirossiyskiy) hotbeds' of social and ideological tension". Pastor Kolyasnikov adamantly denies this allegation.

General Rodionov alleged that Ukrainian evangelical leader Vladimir Muntyan visited Kolyasnikov in May 2014 to discuss a business partnership in construction. Muntyan organises large public services in Ukraine and is active in the media. According to Rodionov, Muntyan could carry out "indoctrination of adepts and new arrivals based on the principles of destructive activity inherent in non-traditional occult structures such as satanism".

Pastor Kolyasnikov denied to Forum 18 on 25 February that he is in any way acquainted with Muntyan: "I've never had any personal connections or business relationship with him".

General Rodionov asked the prosecutor for an inspection of the café as he alleged Kolyasnikov was contravening the Religion Law by preaching there during operating hours without agreement, "violating the interests of visitors, who become unwilling participants". Pastor Kolyasnikov notes that the café was closed for the meeting, with a notice posted on the door and a group member on guard outside, and nobody else was present. He allowed the plain-clothes officers to enter because "our group does nothing unlawful and is open to all".

Appeals being prepared to Constitutional Court and ECtHR

Pastor Kolyasnikov remains positive: "We think these are temporary difficulties we're experiencing. We hope it will all soon change for the better". He told Forum 18 on 25 February that appeals are being prepared both to the Constitutional Court and the European Court of Human Rights (ECtHR), and that they "hope for a just resolution". The Pastor's lawyer Popkov notes that proceedings at the ECtHR could take four to six years.

First telephone calls, then prosecution

At Orel's Soviet District Court on 11 August 2014, Baptist presbyter Pavel Pilipchuk was found guilty by Judge Tatyana Mikheyeva of organising an open-air worship service without notification, and fined 20,000 Roubles (now about 2,470 Norwegian Kroner, 290 Euros, or 320 US Dollars). His appeal to Orel Regional Court was rejected on 29 September. Because he did not pay the fine, it was doubled to 40,000 Roubles by Judge Inna Maltseva at Magistrates' Court No. 2, Northern District, on 22 December. A Baptist spokeswoman told Forum 18 from Orel on 24 February 2015 that Pilipchuk has still not paid.

Pilipchuk was charged as responsible for a group of Baptists who marked Palm Sunday (23 March) 2014 by gathering outdoors to sing hymns and hand out literature to passers-by, an event which passed off without incident. "The evangelism went well, people listened attentively, nobody interfered, and the police were not present", a Baptist statement of 31 December 2014 noted.

In June 2014, the community received several telephone calls from people apparently "seeking God and wishing to attend services", but principally interested in who led the congregation.

Pilipchuk was later charged with organising the event while failing to inform the authorities. Baptists state he was not present and

not responsible. In court, however, congregation members were deemed "interested parties" and their testimony disregarded.

Police officers testified that members of the public had called and expressed their "negative reaction" to the event and their intention to prevent it, "including by active intervention", the original district court verdict, seen by Forum 18, states.

"The possibility of danger"?

According to the appeal court verdict, seen by Forum 18, the outdoor service presented "the possibility of danger to public order, morality and health, both to the participants of the religious event themselves, and to third parties, which requires public authorities to take measures to ensure public order and the security and peace of citizens".

Appeal judge Lyubov Safronova continued: "The demonstration of religious beliefs is capable of inducing negative emotions in people who follow another religion or none, and of creating obstacles to the normal operation of transport and public or non-governmental organizations". She ruled that the location of the event (in a playground between residential buildings, near a school and a kindergarten) and the alleged disapproval of citizens meant public safety measures were necessary.

Pilipchuk argued in his appeal that the conviction contravened the Constitutional Court's ruling of 5 December 2012 (see F18News 3 January 2013 http://www.forum18.org/archive.php?article_id=1787). Judge Safronova dismissed this, claiming that the location of the outdoor service and the possibility of public objection meant that notification should have taken place.

A spokeswoman for Orel Regional Prosecutor's Office directed Forum 18 to the Prosecutor's Office Chancellery, who did not answer their telephone whenever Forum 18 called on 19 and 20 February.

Fine overturned

However, another Baptist leader has had his fine of 20,000 Roubles (now about 2,470 Norwegian Kroner, 290 Euros, or 320 US Dollars) overturned at Smolensk Regional Court. Viktor Pechkurov was convicted on 22 January of distributing literature in the street without notification, an activity interpreted by Judge Konstantin Kiselyov of Smolensk's Lenin District Court as "picketing".

But Pechkurov was acquitted by Judge Olga Ivanova on 24 February. No written verdict has yet been released.

The Baptist community of Smolensk regularly distributes literature as part of a "mobile Christian library service" in the city's Blonye Garden every Saturday, according to a 28 January Baptist statement. On 25 October 2014, Pechkurov and three other church members – Valentina Brezgunova, Irina Matveyeva, and Valentina Lysenko – set up their table of books, "in such a way as not to interfere with traffic or pedestrians".

The Baptists were asked to show their "permission" by police who had received a call telling them to check on the "sectarians" in the park. On being unable to provide it, all four were detained and interrogated for three hours.

According to the Lenin District Court verdict, seen by Forum 18, Judge Kiselyov deemed Pechkurov's actions to constitute a "picket". Pickets by only one person do not require prior notification but Pechkurov's actions involved a group, for which Judge Kiselyov claimed notice must be given no later than three days before the event. The Judge dismissed Pechkurov's argument in court that the handing out of religious literature could not be interpreted as a "public event".

A spokeswoman for Lenin District Prosecutor's Office, which handled the case, told Forum 18 on 19 February that all requests for information must be submitted in writing. Forum 18 sent an email at noon on 19 February asking why the Baptists' activities were considered dangerous or problematic. No reply has been received. (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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