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CRIMEA: New punishments for "religious agitation in public places"?

By Felix Corley, Forum 18 (<https://www.forum18.org>)

A new draft Law on Administrative Offences in the Republic of Crimea would, if adopted in current form, prescribe fines for the undefined "offence" of "religious agitation in public places". The draft passed its first reading in the State Council (Crimea's parliament) in May. Although fines would be relatively small, they would rise for repeated "offences", Forum 18 News Service notes. "I don't understand what they envisage" by the term "religious agitation in public places", Chair of the State Council's Culture Committee Svetlana Savchenko told Forum 18. Asked if Orthodox Easter processions around churches might be punishable, she responded: "Processions are not agitation – giving out books or leaflets is." Meanwhile, a senior Crimean Muslim official was twice fined in April for failing to pay earlier fines because institutions under his authority had religious books the Russian authorities claim are "extremist".

A new draft Law which includes punishments for the undefined "offence" of "religious agitation in public places" was approved in May in first reading in Crimea's parliament, the State Council. Although fines would be relatively small, they would rise for repeated "offences", Forum 18 News Service notes. No deputy or State Council official has been able to explain how this provision might be used if eventually adopted. Meanwhile, a senior Crimean Muslim official was twice fined in April for failing to pay earlier fines because institutions under his authority had religious books the Russian authorities claim are "extremist".

The Crimean authorities already punish those who exercise their freedom of religion or belief in public. Nine Baptists were interrogated, photographed, fingerprinted and seven of them fined in May for sharing their faith in public in a village in central Crimea. Five have already lodged appeals with Crimea's Supreme Court (see F18News 2 June 2015 http://www.forum18.org/archive.php?article_id=2068).

New proposed fines

The proposed new fines to punish individuals for "religious agitation in public places" were included in a draft Law on Administrative Offences in the Republic of Crimea. Article 24, Part 2 of the current draft declares: "Fortune-telling, begging and religious agitation in public places are liable to a warning or imposition of an administrative fine of 100 to 1,000 Roubles." A fine of 100 to 500 Russian Roubles would be imposed under Part 1 on those "pestering citizens" in public places (it remains unclear if this would punish those sharing their faith). Part 3 of the same Article would impose a fine of 1,000 to 3,000 Russian Roubles for repeat "offenders" under both these Parts.

Each 1,000 Russian Roubles is equivalent to 400 Ukrainian Hryvnias, 150 Norwegian Kroner, 17 Euros, or 19 US Dollars.

The draft Law was officially submitted by five deputies of the State Council, including the speaker Vladimir Konstantinov and one of the deputy speakers Konstantin Bakharev. However, officials of the State Council's Legislative Committee told Forum 18 that Committee Chair (and another of the five deputies), Yefim Fiks, wrote the text.

Deputies approved the draft in first reading on 20 May, according to the State Council website. Konstantinov noted during the session that the Legislative Committee will have to undertake "serious revision" of the draft before its second reading. The website does not say if he indicated any changes he would like made to Article 24.

Officials at the Legislative Committee told Forum 18 each time it phoned on 2 and 3 June that no-one was available to discuss the draft Law. They also declined to say when the second hearing is likely to be held. The telephones of Fiks, Konstantinov and Bakharev went unanswered each time Forum 18 called on 2 and 3 June.

Galina Merkulova, head of the State Council's Legal Expertise Department, told Forum 18 from Simferopol on 3 June that she had conducted a review of the draft Law before it received its first reading. However, she refused to discuss the meaning of the term "religious agitation in public places" and what specific activities would be punished if the draft Law is adopted in its current form.

Svetlana Savchenko, Chair of the State Council's Culture Committee, stressed that the draft Law was being handled not by her Committee. But she told Forum 18 on 3 June that "I don't understand what they envisage" by the term "religious agitation in public places". Asked if, for example, Orthodox Easter processions around churches might be punishable under this provision, she responded: "Processions are not agitation – giving out books or leaflets is."

Two fines for not paying fines

Meanwhile, the deputy head of Crimea's Muftiate, Esadullakh (Ruslan) Bairov, was fined twice on 8 April for failing to pay two of the three fines imposed in 2014 to punish him for exercising the right to freedom of religion or belief, according to the court decisions seen by Forum 18. The two new fines total between 7,000 and 10,000 Russian Roubles. The decisions in both cases note that he admitted his guilt.

In separate hearings one after the other, Judge Vladimir Gotskalyuk of Simferopol's Zheleznodorozhny District Court found Bairov guilty and fined him under Administrative Code Article 20.25, Part 1. This punishes "failure to pay an administrative fine in the period specified by the current Code" with a fine of double the previous fine (with a 1,000 Russian Rouble minimum), up to 15 days' imprisonment or up to 50 hours' community service. Bairov did not appeal against these new fines.

Bairov was fined three times in autumn 2014, each time under Administrative Code Article 20.29. This punishes "Production or distribution of extremist materials" recorded on the Federal List of Extremist Materials with, for individuals, a fine or imprisonment of up to 15 days and confiscation of the banned literature. For organisations, punishments are a fine of 50,000 to 100,000 Russian Roubles or suspension of an organisation's activity for 90 days, as well as confiscation (100,000 Russian Roubles is about 38,600 Ukrainian Hryvnias, 14,300 Norwegian Kroner, 1,650 Euros or 1,850 US Dollars).

Bairov was first fined 2,000 Russian Roubles on 26 August 2014 by Dzhankoi District Court after religious books were seized during a raid on a madrassah (Islamic religious school) which he oversees. The Court also ordered the books confiscated.

He was then fined 1,500 Russian Roubles by Simferopol's Kiev District Court on 28 August 2014. He was punished in his capacity as director of Terciman Muslim bookshop in Simferopol, which had been raided the previous month. Officials found several copies of two books which have been banned under Russian "extremism" legislation. The Court also ordered the books confiscated.

His third fine of 3,000 Russian Roubles was handed down by Kirovskoe District Court on 10 September 2014 (see F18News 29 October 2014 http://www.forum18.org/archive.php?article_id=2010).

After Bairov failed to pay the 2014 fines, the cases were handed to court bailiffs.

"Extremist" literature purged from libraries

The fines on Bairov were among many imposed after Police and other security agencies raided homes, madrassahs, mosques, bookshops, libraries and Jehovah's Witness Kingdom Halls as they hunted for religious literature which has been declared "extremist" in Russia and placed on the Justice Ministry's Federal List.

Numerous Muslim and Jehovah's Witness works are on Russia's Federal List, as well as several Falun Gong and one Catholic publication (see F18News 20 March 2015 http://www.forum18.org/archive.php?article_id=2049).

However, prosecutors were not always successful. Of 13 known attempted prosecutions of individuals in Crimea under Administrative Code Article 20.29 for religious literature, nine ended in fines. Of three attempted prosecutions of religious communities (all of them Jehovah's Witness communities), all three failed. Three of the individuals prosecuted were librarians, and a fourth was a teacher in charge of a school library (see Forum 18's religious freedom survey of Crimea http://www.forum18.org/archive.php?article_id=2051).

Crimea's Culture Minister Alina Novoselskaya announced on 28 May that all "extremist" literature has now been removed from all of Crimea's libraries. "With the aim of preventing instances of the distribution of literature of an extremist or terrorist nature, Crimea's Culture Ministry has conducted work to remove from library stocks publications included on the Federal List of Extremist Materials," the pro-Russian Kryminform news agency quoted her the same day as telling a conference in Yalta.

Novoselskaya added that access to "extremist" websites has been blocked in libraries in educational institutions and elsewhere.

Forum 18 has been unable to find out how much of the removed "extremist" literature was religious and whether it was then put in storage, thrown away or destroyed. Neither Novoselskaya nor Deputy Minister Tatyana Manezhina (who has responsibility for this issue in the Ministry) was available when Forum 18 called on 3 June. Vera Kovalenko, who is responsible for libraries in the Ministry, refused to discuss anything with Forum 18 on 3 June.

New draft Crimean Religion Law

On 26 May, the State Council's Culture Committee formally presented to the State Council's other Committees a draft Crimean Religion Law. The text of the draft Law, as well as the Explanatory Note setting out why the Committee believes it is needed, were posted on the State Council website the following day. Committee Chair Savchenko prepared the draft, based on comments from a Working Group established in December 2014. "The draft is currently being discussed in the State Council's Committees," she told Forum 18 on 3 June.

Article 2 of the draft Law defines a "traditional religion" as "a religion having a formative cultural significance for historical communities". It defines "totalitarian sect or destructive cult" as "an organisation using a complex of special techniques (control of consciousness) with the aim of subjugating the will of an individual and controlling the feelings and conduct, bringing harm to the individual and society". However, these terms are not used in the rest of the draft Law.

Article 7 of the draft, which covers state registration of religious organisations, would ban the formation of religious organisations "on an ethnic basis within confessions or religious movements". It remains unclear if this would outlaw the Orthodox Church from calling itself Ukrainian or Russian, or how it might affect Crimea's Jewish community.

The same Article would also ban the functioning of "centralised religious organisations" which do not have state registration, a legal impossibility as Russia's Religion Law gives this designation only to religious organisations which function in more than one Region of the country and are registered by Russia's Justice Ministry in Moscow. It would also ban the formation by a registered centralised religious organisation of branches or institutions in Crimea which do not themselves have state registration.

"In line with Russian law"?

Asked why such bans are imposed in the draft Law, Savchenko explained that this was the text as formulated by the Working Group. "These provisions are all in line with Russian law," she told Forum 18. "In any case, all these points are open to discussion. Any deputy or organisation can submit proposals."

Asked why the draft Law defines "traditional religion" and "totalitarian sect or destructive cult", even if these terms are not subsequently used in the text, Savchenko responded: "Unfortunately Crimea has experience of such groups in the 1990s, such as the White Brotherhood."

Merkulova of the State Council's Legal Expertise Department refused to tell Forum 18 if she had also reviewed the draft Religion Law.

"National security threats", "conducting ideological work"

The Explanatory Note accompanying the draft Law laments what it regards as the diminution of state control over religion from 2009 when the peninsula was under Ukrainian rule, including the abolition of research posts. "Also liquidated was the post in [Crimea's] health centre of doctor/psychiatrist, who specialised in studying the influence of radical sects on the health of individuals," it laments.

Such reductions in state capacity to control religion came amid growing "threats to national security" from "various non-traditional, radical and esoteric organisations", the Explanatory Note warns. Among such groups it names the Muslim missionary movement Tabligh Jamaat, the Nurdzhular movement (Muslims who follow the works of the late Turkish theologian Said Nursi, though adherents deny any formal movement exists), and the Chinese spiritual movement Falun Gong. It also mentions "modernising groups" within "traditional religions".

Tabligh Jamaat and Nurdzhular have both been banned in Russia as "extremist" (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

The Explanatory Note also warns of a "growing interest in Crimea on a geopolitical level from abroad". It claims that since 2000, between 150 and 600 foreign missionaries have visited Crimea annually. Under Ukrainian government pressure, it alleges, "Mormons (Church of Jesus Christ of Latter-day Saints – headquarters USA) were given wide possibility of inviting foreign missionaries and conducting ideological work".

The Explanatory Note highlights what it sees as the need to reform the current Religious and Ethnic Cultural Affairs Department at Crimea's Culture Ministry, which has five staff. It calls for a separate Religious Department to be formed with more staff.

Earlier draft Law rejected

Officials have long spoken of adopting a Crimean Religion Law, though without explaining why this is needed. A proposed law "on freedom of conscience, religious associations and the prevention of religious extremism", made public in October 2014, would have imposed restrictions on "missionary activity", allowing only "missionaries" approved by registered religious organisations and using

literature published by named registered religious organisations.

However, State Council deputies rejected the draft law on its first reading in December 2014 and sent it back. Deputies argued that regulating religious organisations and preventing extremism should be handled in separate laws. The State Council's Culture Committee formed a nine-member Working Group to produce a new draft by 15 April 2015 (see Forum 18's religious freedom survey of Crimea http://www.forum18.org/archive.php?article_id=2051). (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.

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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