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CRIMEA: 23 fines under Russia's "anti-missionary" laws in 2021

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

All 23 of the administrative prosecutions against individuals under Russia's "anti-missionary" laws in 2021 in Russian-occupied Crimea led to convictions and fines. Assistant Prosecutor Olga Kushnerova brought the case against Imam Said Akhmad Asadov, fined five days' average local wages for leading prayers in a Simferopol District mosque raided by Russian FSB security service officers and Prosecutor's Office officials. "I won't give any comments by phone," she told Forum 18. "Everything I did was within the parameters of the law and the duties assigned to me under the law." She refused to discuss why an individual should be punished for leading worship in a religious community.

Prosecutors are known to have brought 23 cases against individuals under Russia's "anti-missionary" laws in 2021 in Russian-occupied Crimea. All 22 individuals (one twice) were found guilty and fined. Most were fined about 5 days' average local wages each, though four received larger fines. Four were Imams targeted for leading meetings for worship in mosques outside the framework of the Russian-backed Crimean Muslim Board. Many of the fines followed raids on places of worship during meetings for worship.

(For a full list of known 2021 "missionary activity" prosecutions, see below.)

Magistrate's Courts handed down the fines under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity"). In one case, a non-Russian citizen is known to have been punished in Russian-occupied Crimea in 2021 under Russian Administrative Code Article 5.26, Part 5 ("Foreigners conducting missionary activity").

On 24 May 2021, Russian FSB security service officers and Prosecutor's Office officials mounted a joint raid on a mosque in Crimea's central Simferopol District, which surrounds the regional capital. They found Said Akhmad Asanov leading prayers "without a document from the governing body of a religious organisation confirming his authority to conduct missionary activity in the name of the religious authority". A Judge fined him five days' average local wages the following month (see below).

Assistant Prosecutor Olga Kushnerova brought the case against Imam Asadov. "I won't give any comments by phone," she told Forum 18. "Everything I did was within the parameters of the law and the duties assigned to me under the law." She refused to discuss why an individual should be punished for leading worship in a religious community (see below).

Some communities have faced multiple fines. Four cases in early 2021 targeted members of House of the Potter Protestant Church in the port city of Sevastopol after prosecutors picked them out as home group leaders on a social media post by a church member. Church members had faced similar prosecutions in earlier years (see below).

In June 2021, a Judge fined Imam Yusuf Ashirov. During a raid on the independent Yukhary-Jami mosque in the southern Crimean town of Alushta, officials found him leading Friday prayers without permission from the Russian state-backed Crimean Muslim Board. Prosecutors in Alushta brought a similar case against him in 2020 (see below).

Such prosecutions under Russian Administrative Code Article 5.26, Part 4 have continued in 2022 (see below).

Magistrate's Courts in Crimea are also known to have heard 10 cases in 2021 (https://www.forum18.org/archive.php?article_id=2722) under Russian Administrative Code Article 5.26, Part 3 against religious communities which failed to display their full official legal name on internet postings, on literature or outside the place where they meet for worship.

Russia's illegal March 2014 annexation of Crimea (<https://www.nhc.no/en/qa-breaches-of-international-law-and-human-rights-issues-2/>) is not recognised by Ukraine or internationally.

Penalties for ill-defined "missionary" activity

The 23 Russian Administrative Code cases in Crimea in 2021 were all brought under wide-ranging and ill-defined "anti-missionary" Russian legal changes made in July 2016. The Russian authorities immediately imposed these punishments in Crimea, which they occupied in March 2014.

Russian Administrative Code Article 5.26, Part 4 (https://www.forum18.org/archive.php?article_id=2246) punishes "Russians conducting missionary activity". This incurs a fine of 5,000 to 50,000 Roubles. For organisations (legal entities), the fine is 100,000 to 1 million Roubles. All religious communities which are not registered, and so have no legal status, must notify the authorities of their existence and provide the names and addresses of all their members, as well as addresses where any meetings take place. Their members are therefore subject to prosecution as individuals.

Russian Administrative Code Article 5.26, Part 5 punishes "Foreigners conducting missionary activity" (https://www.forum18.org/archive.php?article_id=2246). This incurs a fine of 30,000 to 50,000 Roubles with the possibility of deportation.

Russian Administrative Code Article 5.26, Part 3 punishes the "Implementation of activities by a religious organisation without indicating its official full name, including 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" (https://www.forum18.org/archive.php?article_id=2246). This incurs a fine of 30,000 to 50,000 Roubles and the confiscation of any literature or other material.

Russia's Administrative Code specifies that cases under Article 5.26 can be brought by the police, Prosecutor's Offices, or local Justice Departments.

In addition to the 23 prosecutions under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activities") and Part 5 ("Foreigners conducting missionary activity"), the Russian authorities brought prosecutions against religious communities in occupied Crimea in 2021 for failing to display their full official legal name on places of worship, literature and internet posts.

In its latest report, the United Nations Human Rights Monitoring Mission in Ukraine pointed to the many fines handed down in Crimea under Russian Administrative Code Article 5.26. Its report "Civic Space and Fundamental Freedoms in Ukraine" (<https://www.ohchr.org/Documents/Countries/UA/UkraineCivicSpace2021-EN.pdf>), published on 8 December 2021, noted that "the application of anti-extremist laws of the Russian Federation, commonly referred to as the 'Yarovaya package', [...] significantly limited the ability of various religious groups to conduct religious practices together by banning broadly defined 'missionary activities'."

Prosecutions have also been brought in Crimea to punish exercise of freedom of religion or belief in public under Russian Administrative Code Article 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket") (https://www.forum18.org/archive.php?article_id=2246), which is linked to Russia's Demonstrations Law.

On 29 April 2020, Sovetsky District Court in eastern Crimea found Imam Dilyaver Khalilov guilty under Russian Administrative Code Article 20.2, Part 2 for leading prayers in a mosque they had used since 2004 which has now been forcibly closed and seized. When Forum 18 asked how the Muslim community should worship now the authorities have seized their place of worship, Emil Velilyayev, deputy head of Sovetsky District, responded: "There is no community there." (https://www.forum18.org/archive.php?article_id=2592) The Judge fined Imam Khalilov 30,000 Russian Roubles (about one month's average wages for those in work). Prosecutors had initially brought the case under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activities").

Human rights defender Aleksandr Sedov of the Crimean Human Rights Group stated in 2017 that the punishments violate the rights to freedom of religion or belief enshrined in the European Convention on Human Rights and Fundamental Freedoms. He also pointed out that they break Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (https://www.forum18.org/archive.php?article_id=2299), which enshrines the rights of civilians in occupied territories.

Police Centres for Countering Extremism, Prosecutors, FSB

Many of the cases in Crimea under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") begin with "inspections" of religious communities, which involve looking at documents relating to a community's registration (if it is registered as a religious organisation, or has notified the Justice Ministry of its existence as a religious group), its place of worship, and its leader.

Particularly in the cases of mosques and their imams, inspections sometimes take the form of raids by armed officers of the police, OMON riot police or FSB security service on communities meeting for worship.

Police Centres for Countering Extremism, Prosecutors and Russia's FSB security service often initiate such inspections and raids.

Prosecutions follow Russian FSB security service raids

On the evening of 6 February 2021, the Russian FSB security service raided a small Protestant community in the eastern Crimean town of Kerch. It claimed to be conducting an inspection of observance of Russia's Religion Law. At the meeting for worship, church leaders "told those gathered about faith, about god [sic], about hope for another life, read the Bible and sang songs".

The FSB security service then handed its findings to Kerch Prosecutor's Office. On 16 February 2021, Assistant Prosecutor Mikhail Polyukhovich prepared a case against church member Ivan Denisov under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity").

At the hearing on 12 March 2021 at Kerch Magistrate's Court No. 47, Assistant Prosecutor Polyukhovich called for Denisov to be fined 25,000 Russian Roubles. Two women – who were not members of the church – testified that he had handed them leaflets about the service earlier in the day.

Judge Irina Sergiyenko found Denisov guilty of sharing faith with people who were not church members, according to the decision seen by Forum 18. However, she did not meet Polyukhovich's demand for a high fine, instead fining him 8,000 Russian Roubles.

Forum 18 was unable to reach Assistant Prosecutor Polyukhovich. Telephones at Kerch Prosecutor's Office went unanswered each time Forum 18 called on 22 February.

In late 2020, Assistant Prosecutor Polyukhovich brought a similar administrative case of conducting "missionary" activity under Russian Administrative Code Article 5.26, Part 4 against S. Alekseyev. Kerch Magistrate's Court No. 48 fined him 5,000 Russian Roubles on 3 November 2020 (https://www.forum18.org/archive.php?article_id=2641).

On 24 May 2021, Russian FSB security service officers and Prosecutor's Office officials mounted a joint raid on a mosque in Crimea's central Simferopol District, which surrounds the regional capital. They found Said Akhmad Asanov leading prayers "without a document from the governing body of a religious organisation confirming his authority to conduct missionary activity in the name of the religious authority".

Asanov's "missionary activity" consisted of "conducting services (namaz) and inviting to participate in the activity of the Muslim community an unknown circle of people who were not members (followers) of the given religious community". The Imam told the FSB and Prosecutor's Office officials that he had led prayers daily in the mosque since 12 April 2021.

Assistant Prosecutor Olga Kushnerova of Simferopol District Prosecutor's Office prepared a case against Asanov under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity").

On 29 June 2021, Judge Tatyana Protsenko of Simferopol District Magistrate's Court No. 75 found Asanov guilty and fined him 5,000 Russian Roubles, according to the decision seen by Forum 18.

Assistant Prosecutor Kushnerova – who now works for Simferopol's Railway District Prosecutor's Office – refused to comment in detail on the case she brought against Imam Asanov. "I won't give any comments by phone," she told Forum 18 from Simferopol on 22 February 2022. "Everything I did was within the parameters of the law and the duties assigned to me under the law." She refused to discuss why an individual should be punished for leading worship in a religious community.

Multiple cases

Many individuals and communities face multiple cases under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity").

Four prosecutions in early 2021 targeted members of House of the Potter Protestant Church in the port city of Sevastopol. Judges fined Aleksey Smirnov, Ivan Nemchinov (twice) and Yevgeny Kornev after prosecutors picked them out as home group leaders on a social media post by a church member.

An official from Gagarin District Prosecutor's Office, who would not give his name, refused to discuss with Forum 18 in February 2021 why it had initiated cases against the church members. An officer of the city police's Centre for Countering Extremism who did not give his name listened to Forum 18's question as to why his Centre was involved in a case where an individual was punished for exercising his right to freedom of religion or belief and no extremism was involved. "Good day," he responded, and put the phone down (https://www.forum18.org/archive.php?article_id=2641).

House of the Potter Church members have repeatedly faced administrative prosecution for exercising their right to freedom of religion or belief. Four of its members – including the pastor, Mikhail Leppik – faced prosecution in January 2018

(https://www.forum18.org/archive.php?article_id=2441) under Russian Administrative Code Article 5.26, Part 4 for talking to people, offering leaflets and singing at a bus stop. Two church members were each fined 5,000 Russian Roubles (about five days' average local wages), while Leppik and a fourth church member were acquitted.

Following an inspection in October 2019, which found that House of the Potter Church had failed to inform the Justice Ministry of its existence, prosecutors brought a case against Pastor Leppik under Russian Administrative Code Article 19.7 ("Failure to provide or late provision of information to a state body"). On 16 December 2019, Magistrate's Court No. 7 issued Leppik with a warning (https://www.forum18.org/archive.php?article_id=2544).

On 8 June 2021, Judge Svetlana Vlasova of Alushta Magistrate's Court No. 22 fined Imam Yusuf Ashirov 5,000 Russian Roubles under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity"), according to the decision seen by Forum 18.

During a raid on the independent Yuhary-Jami mosque in the southern Crimean town of Alushta, officials found Imam Ashirov leading Friday prayers without permission from the Russian state-backed Crimean Muslim Board.

Prosecutors in Alushta brought a similar case against Imam Ashirov in 2020. The same Judge at the same Magistrate's Court fined him in June 2020 (https://www.forum18.org/archive.php?article_id=2641).

The Russian state has backed attempts by the Crimean Muslim Board to take control of the Yuhary-Jami mosque (https://www.forum18.org/archive.php?article_id=2592). The independent mosque community has worshipped in the 19th century mosque since 1994, twenty years before the Russian occupation of Crimea.

Prosecutions increased in 2021

The 23 known prosecutions in Russian-occupied Crimea in 2021 for conducting "missionary" activity without state permission show a rise in such prosecutions compared to 2020 and a return to the levels before the coronavirus pandemic, during which there was a reduction in the number of meetings for worship.

- In 2020, 13 such prosecutions were brought, of which all 13 ended with punishment (https://www.forum18.org/archive.php?article_id=2641).

- In 2019, 24 such prosecutions were brought, of which 17 ended with punishment (https://www.forum18.org/archive.php?article_id=2544).

- In 2018, 23 such prosecutions were brought, of which 19 ended in punishment (https://www.forum18.org/archive.php?article_id=2441). Seven of those prosecuted in 2018 (under Russian Administrative Code Article 5.26, Part 5 "Foreigners conducting missionary activity" (https://www.forum18.org/archive.php?article_id=2246)) were longtime residents who are Ukrainian citizens.

Prosecutions continue in 2022

The Russian authorities have brought further prosecutions under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") in 2022:

- Liana Palyokha was fined 7,000 Russian Roubles in Belogorsk on 18 February 2022.

- S. Ablyazimov is facing a hearing in Simferopol's Kiev District on 10 March 2022.

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List of individuals punished for "missionary" activity

The list of known 2021 prosecutions under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") and Part 5 ("Foreigners conducting missionary activity"), based on court records and other information (date of court hearing, name of individual/community, punishment, court, material on which prosecution based, appeal):

1) 13 January 2021

Name: Imam Server Davletshayev

Punishment: Fine 5,000 Russian Roubles

Court: Bakhchisarai Magistrate's Court No. 26

Circumstances: Police Centre for Countering Extremism found him leading prayers in mosque

Appeal: none

2) 22 January 2021

Name: Ivan Nemchinov

Punishment: Fine 5,000 Russian Roubles

Court: Gagarin District, Sevastopol Magistrate's Court No. 7

Circumstances: Police Centre for Countering Extremism found him performing music and praying at meeting for worship (https://www.forum18.org/archive.php?article_id=2641) of the Potter's House Protestant Church (also posted on YouTube)

Appeal: unsuccessful, Gagarin District Court 24 March 2021

3) 25 January 2021

Name: Aleksey Smirnov

Punishment: Fine 5,000 Russian Roubles

Court: Gagarin District, Sevastopol Magistrate's Court No. 7

Circumstances: Police Centre for Countering Extremism found him leading meeting for worship (https://www.forum18.org/archive.php?article_id=2641) of the Potter's House Protestant Church

Appeal: unsuccessful, Gagarin District Court 14 April 2021

4) 26 January 2021

Name: Ivan Nemchinov

Punishment: Fine 5,000 Russian Roubles

Court: Gagarin District, Sevastopol Magistrate's Court No. 7

Circumstances: Police Centre for Countering Extremism found him participating in meeting for worship (https://www.forum18.org/archive.php?article_id=2641) of the Potter's House Protestant Church

Appeal: unsuccessful, Gagarin District Court 10 March 2021

5) 11 February 2021

Name: Imam Murtaza Ablyazov

Punishment: Fine 15,000 Russian Roubles

Court: Belogorsk Magistrate's Court No. 32

Circumstances: Led Friday prayers in mosque (https://www.forum18.org/archive.php?article_id=2641) "not once but systematically"

Appeal: unsuccessful, Belogorsk District Court 20 April 2021

6) 18 February 2021

Name: Imam Aydar Islyamov

Punishment: Fine 5,000 Russian Roubles

Court: Simferopol District Magistrate's Court No. 76

Circumstances: Led prayers in mosque

Appeal: none

7) 2 March 2021

Name: Yevgeny Kornev

Punishment: Fine 5,000 Russian Roubles

Court: Gagarin District, Sevastopol Magistrate's Court No. 7

Circumstances: Police Centre for Countering Extremism found him leading meetings for worship (https://www.forum18.org/archive.php?article_id=2641) of the Potter's House Protestant Church and posting sermons online

Appeal: unsuccessful, Gagarin District Court, 20 April 2021

8) 2 March 2021

Name: S. Sheikhmedov

Punishment: Fine 5,000 Russian Roubles

Court: Kiev District, Simferopol Magistrate's Court No. 9

Circumstances: unknown

Appeal: none

9) 12 March 2021

Name: Ivan Denisov

Punishment: Fine 8,000 Russian Roubles

Court: Kerch Magistrate's Court No. 47

Circumstances: Found by Russian FSB secret police holding Protestant meeting for worship. Case transferred 20 February 2021 from Magistrate's Court No. 48

Appeal: none

10) 22 March 2021

Name: Artyom Morev

Punishment: Fine 5,000 Russian Roubles

Court: Kiev District, Simferopol Magistrate's Court No. 7

Circumstances: Pastor of Generation of Faith Pentecostal church

Appeal: none

11) 8 June 2021

Name: Yusuf Ashirov

Punishment: Fine 5,000 Russian Roubles

Court: Alushta Magistrate's Court No. 22

Circumstances: Led Friday prayers in independent mosque

Appeal: unsuccessful, Alushta City Court 21 October 2021

12) 13 June 2021

Part 5

Name: Vasily Andriychuk

Punishment: Fine 15,000 Russian Roubles

Court: Lenino District Court

Circumstances: Foreign citizen legally resident offered leaflets with Jehovah's Witness beliefs on streets

Appeal: none

13) 22 June 2021

Name: Aleksey Gabrielyan

Punishment: Fine 5,000 Russian Roubles

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

Circumstances: Police Centre for Countering Extremism found leader of Protestant community sharing faith and offering leaflets near cinema

Appeal: none

14) 29 June 2021

Name: Said Akhmad Asanov

Punishment: Fine 5,000 Russian Roubles

Court: Simferopol District Magistrate's Court No. 75

Circumstances: Found by prosecutors and FSB secret police leading daily prayers in mosque

Appeal: none

15) 8 July 2021

Name: Valery Reyman

Punishment: Fine 5,000 Russian Roubles

Court: Saki District Court

Circumstances: Offered New Testaments and Baptist literature on the streets

Appeal: none

16) 22 July 2021

Name: O. Klimenko

Punishment: Fine 5,000 Russian Roubles

Court: Lenino Magistrate's Court No. 63

Circumstances: Police found her offering leaflets with Jehovah's Witness beliefs on streets

Appeal: none

17) 22 July 2021

Name: N. Bondar

Punishment: Fine 5,000 Russian Roubles

Court: Lenino Magistrate's Court No. 63

Circumstances: Police found her offering leaflets with Jehovah's Witness beliefs on streets

Appeal: none

18) 23 August 2021

Name: Pavel Skokov (Archimandrite Damian)

Punishment: Fine 15,000 Russian Roubles

Court: Belogorsk Magistrate's Court No. 32

Circumstances: Held service in Orthodox Church of Ukraine monastery

Appeal: unsuccessful, Belogorsk District Court 6 December 2021

19) 6 September 2021

Name: V. Perkov

Punishment: Fine 5,000 Russian Roubles

Court: Bakhchisarai Magistrate's Court No. 28

Circumstances: unknown

Appeal: none

20) 20 October 2021

Name: N. Shulga

Punishment: Fine 5,000 Russian Roubles

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

Circumstances: unknown

Appeal: none

21) 20 October 2021

Name: N. Logunova

Punishment: Fine 5,000 Russian Roubles

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

Circumstances: unknown

Appeal: none

22) 20 October 2021

Name: E. Teplyashina

Punishment: Fine 5,000 Russian Roubles

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

Circumstances: unknown

Appeal: none

23) 25 October 2021

Name: A. Tyurin

Punishment: Fine 5,000 Russian Roubles

Court: Saki Magistrate's Court No. 73

Circumstances: Police Centre for Countering Extremism found the Baptist offering religious literature "without documents permitting this"

Appeal: none

(END)

Full reports on freedom of thought, conscience and belief in Crimea
(<https://www.forum18.org/archive.php?query=&religion=all&country=86>)

For more background, see Forum 18's Crimea religious freedom survey (https://www.forum18.org/archive.php?article_id=2051)

Forum 18's reports and analyses on freedom of thought, conscience and belief in Russia within its internationally-recognised territory (<https://www.forum18.org/archive.php?query=&religion=all&country=10>)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion and belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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