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Forum 18

35 "anti-missionary" prosecutions in 2019

Prosecutions in Russian-occupied Crimea for ill-defined "missionary activity" in 2019 were at the same rate as in 2018. Of 24 prosecutions in 2019 for sharing faith or holding worship at unapproved venues, 17 ended in punishment (fines of five days' average wages). Also, 11 communities were prosecuted for not using their full legal name outside their meeting place or in religious literature.

In Russian-occupied Crimea in 2019 there were 24 prosecutions brought against 23 individuals and 1 community for ill-defined "missionary activity", of which 17 ended with punishment, Forum 18 has found. Many of those punished were prosecuted for holding worship at unapproved venues or for sharing their faith on the street. Further cases continue in early 2020.

"These punishments do have an impact," one member of a religious community in Crimea who was earlier fined for sharing their faith on the street told Forum 18 in January 2019 (http://www.forum18.org/archive.php?article_id=2441). "Believers go out to share their faith less often, and give out publications or invitations less openly. It is a question not just of fines – if you don't pay then fines are doubled, then if you still don't pay they impose compulsory labour."

Russia's March 2014 annexation of Crimea is not recognised by Ukraine or internationally.

All 17 of the people punished in Crimea in 2019 – all Russian citizens – were fined about 5 days' average local wages each (Russian Administrative Code Article 5.26, Part 4 - "Russians conducting missionary activity").

No foreign citizens are known to have faced prosecution in Russian-occupied Crimea in 2019 under Russian Administrative Code Article 5.26, Part 5 - "Foreigners conducting missionary activity". In 2018, seven people – all longtime residents who are Ukrainian citizens - were punished for participating in religious meetings of a community they belonged to.

There were also 11 cases brought in Crimea in 2019 against 10 religious communities and 1 individual to punish them for failing to use the full legal name of a registered religious community (Russian Administrative Code Article 5.26, Part 3 - "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").

Four of these 11 cases ended with fines of 30,000 Russian Roubles (one month's average local wages) each, and 2 defendants received a warning. The other 5 cases ended with no punishment. The communities known to have faced administrative cases are: 5 Protestant, 1 Muslim, 1 Messianic Jewish, 1 Seventh-day Adventist, 1 Hare Krishna and 1 Church of Jesus Christ of Latter-day Saints.

This represents little change in the number of such cases against religious communities in Crimea under Article 5.26, Part 3, with 12 cases against religious communities in 2018 (http://www.forum18.org/archive.php?article_id=2441). In the first year of the imposition of such punishments – between July 2016 and July 2017 – Forum 18 found 14 such administrative cases, of which 8 ended in punishment. (http://www.forum18.org/archive.php?article_id=2299)

A full listing of known 2019 cases in the administratively separate Republic of Crimea and the city of Sevastopol - based on court decisions and court records seen by Forum 18 - is at the foot of this article.

Administrative prosecutions are also brought against those who have or are deemed to be in charge of religious literature the Russian authorities consider "extremist" or who hold unapproved public exercise of the right to freedom of religion or belief (see below).

Penalties for ill-defined "anti-missionary" activity

The 35 Russian Administrative Code cases in Crimea in 2019 were all brought under wide-ranging and ill-defined "anti-missionary" Russian legal changes made in July 2016 (http://www.forum18.org/archive.php?article_id=2246). The Russian authorities immediately imposed these punishments in Crimea, which they occupied in March 2014.

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". This incurs a fine of 30,000 to 50,000 Roubles and the confiscation of any literature or other material.

In upholding a Russian Pentecostal Pastor's appeal in November 2017, Russia's Supreme Court declared that Article 5.26, Part 3 does not apply to private individuals or people employed in an official capacity, only to legal entities. This may account for why the only case under this Part against an individual in Crimea in 2019 was returned (see list below).

Russian Administrative Code Article 5.26, Part 4 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. Unregistered religious groups

must notify the authorities of their existence, activities and membership but are not legal entities. Their members are therefore subject to prosecution as individuals.

Russian Administrative Code Article 5.26, Part 5 punishes "Foreigners conducting missionary activity". This incurs a fine of 30,000 to 50,000 Roubles with the possibility of expulsion from Russia.

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 also break the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, which enshrines the rights of civilians in occupied territories. (http://www.forum18.org/archive.php?article_id=2299)

Tight Russian freedom of religion and belief 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 in Crimea were also subjected to the web of restrictions on exercising freedom of religion or belief enshrined in Russian law (http://www.forum18.org/archive.php?article_id=2246). 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. (http://www.forum18.org/archive.php?article_id=2051)

Prosecutions continue in 2020

Following a raid by Russian security forces on Friday prayers at a Simferopol mosque, Prosecutors brought a case against the Imam, Rasim Dervishev, under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity").

On 14 January 2020, Prosecutors handed the case against Imam Dervishev to Simferopol Magistrate's Court No. 13. His lawyer, Ayder Azamatov, argued in court that the Imam should not be punished for leading Friday prayers. The case is due to resume on 25 February (see forthcoming F18News article).

Among other 2020 cases is one brought against Simferopol's Vineyard Pentecostal Church under Russian Administrative Code Article 5.26, Part 3 ("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").

Prosecutions for "extremist" religious literature, public religious events

Individuals are also fined for having or being deemed to be in charge of religious literature the Russian authorities consider "extremist". (http://www.forum18.org/archive.php?article_id=2215)

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 Russian Administrative Code Administrative Code Article 20.29 ("Production or mass distribution of extremist materials included in the published Federal List of Extremist Materials, as well as their production or storage for mass distribution"). (http://www.forum18.org/archive.php?article_id=2051)

Prosecutions are also 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"), which is linked to the Demonstrations Law. (http://www.forum18.org/archive.php?article_id=2246)

Prosecutors brought three separate cases against Sevastopol Hare Krishna devotee Aleksandr Kramarenko under Russian Administrative Code Article 20.2, Part 2 to punish him for singing mantras on the street with fellow devotees in December 2019. However, on 4 February 2020, Sevastopol's Lenin District Court sent the cases back because the records of an offence had not been correctly prepared, according to court records.

Kramarenko was among those fined in 2019 under Russia's "anti-missionary" laws (see list below).

Criminal cases also underway

In addition to these Russian Administrative Code cases, two individuals are known to be on trial to punish their exercise of freedom of religion or belief, with others also facing criminal prosecution.

On 20 February, Yalta City Court is expected to issue its verdict in the "extremism"-related criminal case of Jehovah's Witness Artyom Gerasimov (http://www.forum18.org/archive.php?article_id=2051). The prosecutor has demanded a jail term of six and a half years, plus one year of restricted freedom and a three-year ban on unspecified activity.

On 25 February, Dzhankoi District Court is due to hear the final speeches in the "extremism"-related criminal case of another Jehovah's Witness Sergei Filatov (http://www.forum18.org/archive.php?article_id=2051).

About 10 groups of FSB officers, OMON riot police and possibly officers of other agencies who had come from Simferopol then raided the homes in Dzhankoi of eight families (including that of Filatov) who were members of the two local Jehovah's Witness communities before they were banned in 2017. Violence was used against some of them, while a pregnant woman suffered a miscarriage following the raids. (http://www.forum18.org/archive.php?article_id=2432)

Both Gerasimov and Filatov are on trial under Russian Criminal Code Article 282.2, Part 1.

Russian Criminal Code Article 282.2, Part 1 punishes "Organisation of" and Part 2 punishes "participation in" "the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity". (http://www.forum18.org/archive.php?article_id=2215)

After more than 15 months in pre-trial detention following his October 2017 arrest by the Russian FSB security service, the Crimean Supreme Court jailed local Muslim Renat Suleimanov for four years (http://www.forum18.org/archive.php?article_id=2444). He was punished on "extremism"-related charges for alleged Tabligh Jamaat membership. He is serving his sentence in a labour camp in Russia, where he has spent months in a prison punishment cell (http://www.forum18.org/archive.php?article_id=2518). Three others on trial with him were given two and a half year suspended sentences, when they will live under restrictions.

Known Russian Administrative Code Article 5.26 cases in Crimea in 2019

The list of known 2019 prosecutions under Russian Administrative Code Article 5.26, Parts 3 and 4, based on court records and other information (date of court hearing, name of individual/community, punishment, court, material on which prosecution based, appeal):

- Russian Administrative Code Article 5.26, Part 3 ("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")

1) 15 February 2019

Name: Sevastopol Hare Krishna community

Punishment: none

Court: Sevastopol Magistrate's Court No. 10

Circumstances: Interior Ministry Centre for Countering Extremism accused community of meeting in premises without displaying sign with full community name. Acquitted
Appeal: none

2) 14 March 2019

Name: Ark of Salvation Protestant Church, Kerch

Punishment: none

Court: Kerch Magistrate's Court No. 44

Circumstances: Case returned 14 March 2019 (returned earlier on 13 February 2019)

Appeal: none

3) 21 March 2019

Name: I. Tkach

Punishment: none

Court: Saki Magistrate's Court No. 71

Circumstances: Unknown circumstances. Returned

Appeal: none

4) 1 April 2019

Name: Inkerman Missionary Church

Punishment: 30,000 Russian Roubles

Court: Balaklava Magistrate's Court No. 2

Circumstances: Held worship meeting with no sign giving full legal name

Appeal: none

5) 1 April 2019

Name: Inkerman Baptist Church

Punishment: none

Court: Balaklava Magistrate's Court No. 2

Circumstances: Interior Ministry Centre for Countering Extremism checked all its religious literature and found works which had not been marked with the community's full legal name. Acquitted, as literature used only within premises

Appeal: none

6) 22 April 2019

Name: Havah Nagilah (Let Us Rejoice) Messianic Jewish community

Punishment: 30,000 Russian Roubles

Court: Simferopol Magistrate's Court No. 16

Circumstances: Prosecutor's Office inspection during worship on Saturday 16 March 2019 found no sign giving full legal name

Appeal: none

7) 4 July 2019

Name: Razdolnoe Pentecostal Centre

Punishment: Official warning

Court: Razdolnoe Magistrate's Court No. 69

Circumstances: Prosecutor's Office inspected Church during worship on Sunday 30 June 2019. Church failed to display sign with full legal name

Appeal: none

8) 9 July 2019

Name: Khak Yol (Right Path) Muslim community, Verkhnyaya Kutuzovka

Punishment: Official warning

Court: Alushta Magistrate's Court No. 23

Circumstances: FSB instructed Prosecutor's Office to inspect community. Found lessons on Koran and Arabic taking place in yard of home without notice with full legal name of community. Transferred from Court No. 22 on 3 June 2019

Appeal: none

9) 12 July 2019

Name: Seventh-day Adventist Church

Punishment: none

Court: Simferopol Magistrate's Court No. 13

Circumstances: Case halted

Appeal: none

10) 1 November 2019

Name: Sevastopol Church of Jesus Christ of Latter-day Saints

Punishment: 30,000 Russian Roubles

Court: Sevastopol Magistrate's Court No. 12

Circumstances: Prosecutor's Office inspection found religious literature and other materials which had not been marked with the community's full legal name

Appeal: Lodged at Sevastopol's Lenin District Court 17 January 2020; hearing due 4 March 2020

11) 13 November 2019

Name: God's Horizon Protestant Church, Sevastopol

Punishment: 30,000 Russian Roubles

Court: Sevastopol Magistrate's Court No. 13

Circumstances: Maintained pages on VKontakte and Facebook not showing full name of Church

Appeal: none

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

1) 10 January 2019

Name: Vasily Olovyanishnikov

Punishment: 5,000 Russian Roubles

Court: Kerch Magistrate's Court No. 51

Circumstances: Leading Sunday worship of Pentecostal group in home after FSB requested investigation from Prosecutor's Office

Appeal: none

2) 16 January 2019

Name: Igor Ratnikov

Punishment: 5,000 Russian Roubles
Court: Sevastopol Magistrate's Court No. 12
Circumstances: Head of Messianic Jewish community led worship. Case documents included 3 witness statements and interrogation records of 31 individuals
Appeal: none

3) 18 January 2019
Name: Stanislav Negrulya
Punishment: 5,000 Russian Roubles
Court: Sevastopol Magistrate's Court No. 10
Circumstances: At least 2 people present at religious meeting of unknown affiliation were not members of the community
Appeal: none

4) 30 January 2019
Name: Andrei Tereshchenko
Punishment: none
Court: Simferopol Magistrate's Court No. 75
Circumstances: Hare Krishna devotee who had gathered for religious meeting with others in home visited by prosecutor's office officials in inspection. Acquitted, as prosecutor did not specify or prove in what way he had committed an "offence"
Appeal: none

5) 22 February 2019
Name: Sofiya Yanovskaya
Punishment: 5,000 Russian Roubles
Court: Simferopol Magistrate's Court No. 2
Circumstances: Offered Falun Gong literature in park to passers-by
Appeal: unsuccessful – 8 April 2019, Railway District Court, Simferopol; supervisory, unsuccessful – 20 June 2019, Crimean Supreme Court

6) 11 March 2019
Name: Natalya Ramaerisun
Punishment: 5,000 Russian Roubles
Court: Kerch Magistrate's Court No. 44
Circumstances: Prosecutor's Office inspected Ark of Salvation Protestant Church, Kerch, during Sunday evening service 20 January 2019. Ramaerisun was conducting children's religious lessons.
Appeal: none

7) 11 March 2019
Name: Natalya Kuznetsova
Punishment: 5,000 Russian Roubles
Court: Kerch Magistrate's Court No. 44
Circumstances: Prosecutor's Office inspected Ark of Salvation Protestant Church, Kerch, during Sunday evening service 20 January 2019. Kuznetsova was conducting children's religious lessons.
Appeal: none

8) 25 March 2019

Name: Yuliya Shilyayeva

Punishment: 5,000 Russian Roubles

Court: Sevastopol Magistrate's Court No. 6

Circumstances: Published on social media materials about Tree of Life Pentecostal Church designed to attract new members

Appeal: none

9) 25 April 2019

Name: Abdulla Gemedzhi

Punishment: 5,000 Russian Roubles

Court: Simferopol Magistrate's Court No. 5

Circumstances: Led Friday prayers on 25 January 2019 in independent mosque claimed by the Crimean Muftiate ("conducted missionary activity in the form of a worship service"), where he has led prayers since 1995

Appeal: none

10) 30 April 2019

Name: Abdulla Gemedzhi

Punishment: none

Court: Simferopol Magistrate's Court No. 5

Circumstances: Led Friday prayers on 18 January 2019 in independent mosque. Case closed because it had passed deadline for consideration

Appeal: none

11) 26 April 2019

Name: Tatyana Pshenichnaya

Punishment: 5,000 Russian Roubles

Court: Kerch Magistrate's Court No. 47

Circumstances: FSB took books and leaflets of unknown international religious group from pensioner's presentation in library (transferred from Court No. 48)

Appeal: unsuccessful – 24 May 2019, Kerch City Court; rejected without consideration – 10 and 11 June 2019, Crimean Supreme Court

12) 30 April 2019

Name: Abdulla Gemedzhi

Punishment: 5,000 Russian Roubles

Court: Simferopol Magistrate's Court No. 5

Circumstances: Led Friday prayers on 1 February 2019 in independent mosque.

Appeal: none

13) 14 May 2019

Name: A. Nechiporuk (female)

Punishment: 5,000 Russian Roubles

Court: Sevastopol Magistrate's Court No. 6

Circumstances: Police Centre for Countering Extremism found her giving out leaflets with contact details for Sevastopol Christian Centre from Kemerovo

Appeal: none

14) 14 May 2019

Name: K. Nechiporuk (male)

Punishment: 5,000 Russian Roubles

Court: Sevastopol Magistrate's Court No. 6

Circumstances: Police Centre for Countering Extremism found him giving out leaflets with contact details for Sevastopol Christian Centre from Kemerovo

Appeal: none

15) 14 May 2019

Name: N. Yevdokimova

Punishment: 5,000 Russian Roubles

Court: Sevastopol Magistrate's Court No. 6

Circumstances: Police Centre for Countering Extremism found her giving out leaflets with contact details for Sevastopol Christian Centre from Kemerovo

Appeal: none

16) 4 July 2019

Name: Seventh-day Adventist Church

Punishment: none

Court: Simferopol Magistrate's Court No. 13

Circumstances: Case halted (transferred from Simferopol's Kiev District Court 4 June 2019)

Appeal: none

17) 16 July 2019

Name: Anastasiya Ivasyuk

Punishment: 5,000 Russian Roubles

Court: Simferopol Magistrate's Court No. 16

Circumstances: Distributed Hare Krishna literature without full name of religious organisation and answered questions on the faith from passers-by

Appeal: none

18) 6 August 2019

Name: Aleksei Sonin

Punishment: 5,000 Russian Roubles

Court: Sevastopol Magistrate's Court No. 14

Circumstances: Hare Krishna devotee, sang mantras in park

Appeal: rejected without consideration – 15 October 2019, Sevastopol City Court

19) 12 August 2019

Name: Aleksandr Kramarenko

Punishment: 5,000 Russian Roubles

Court: Sevastopol Magistrate's Court No. 14

Circumstances: Hare Krishna devotee, sang mantras in park

Appeal: none

20) 10 September 2019

Name: I. Kristya

Punishment: none

Court: Kerch Magistrate's Court No. 48

Circumstances: Case sent back

Appeal: none

21) 10 September 2019

Name: A. Saulidi

Punishment: none

Court: Kerch Magistrate's Court No. 48

Circumstances: Case sent back

Appeal: none

22) 30 September 2019

Name: Arsen Kantemirov

Punishment: none

Court: Simferopol Magistrate's Court No. 75

Circumstances: Imam of Salgir Baba Mosque in Zarechnoe, raided during Friday prayers by Russian security forces (http://www.forum18.org/archive.php?article_id=2526). Case dismissed because too much time had elapsed (earlier returned on 28 August 2019)

Appeal: none

23) 8 November 2019

Name: Aydar Islyamov

Punishment: 5,000 Russian Roubles

Court: Simferopol Magistrate's Court No. 76

Circumstances: Leading Friday prayers in a home in Ukrainka raided by armed Russian security personnel (http://www.forum18.org/archive.php?article_id=2526)

Appeal: none

24) 16 December 2019

Name: Asan Bekirov

Punishment: none

Court: Simferopol Magistrate's Court No. 75

Circumstances: Led prayers at Salgir Baba Mosque in Zarechnoe raided during Friday prayers by Russian security forces (http://www.forum18.org/archive.php?article_id=2518). Case dismissed because too much time had elapsed (Case earlier returned on 12 November 2019)

Appeal: Simferopol District Court sent back Prosecutor's challenge without consideration, 24 January 2020

(END)

ecoi.net summary:

Crimea: In 2019, 35 religious communities of different denominations prosecuted for "missionary activity" or for not using their full legal name



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