

29 May 2012

RUSSIA: Police raid and charge "people in strange clothes"

By Felix Corley, Forum 18

Police in Russia on 22 May raided a lecture for Izhevsk's Hare Krishna community, Forum 18 News Service has learned. "They were conducting a public event of the Hare Krishna Society – such events must be approved," police Captain Larisa Ignatyeva told Forum 18. A local Hare Krishna leader is now facing charges under Article 20.2 of the Administrative Code ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession, or picket"). Captain Ignatyeva told Forum 18 that the raid – involving herself – took place after local residents "with small children" had complained to the police that they had seen "people in strange clothes" in the Polyclinic. Asked if the Hare Krishna devotees had disturbed the work of the Clinic or caused any disruption or harm to any Clinic users, she said they had not. Jehovah's Witnesses regularly face raids followed by cases under Article 20.2, some of which are thrown out, but normally only after stress and preparation time for those who should never be brought to court in the first place. A controversial draft Law, introduced after protests at the election of President Vladimir Putin, may massively increase the currently small Article 20.2 fines.

Police in Russia on 22 May raided an evening lecture for Izhevsk's Hare Krishna community, Forum 18 News Service has learned. "They were conducting a public event of the Hare Krishna Society – such events must be approved," police Captain Larisa Ignatyeva told Forum 18 from Izhevsk, capital of the Udmurt Republic in the Urals, on 25 May.

The lecture in a rented hall was on the Srimad Bhagavatam, also known as the Bhagavata Purana, a Hindu scriptural text that is very important for Hare Krishna devotees. "I am governed by the law and I believe I did well." Captain Ignatyeva stated. Following her action a local Hare Krishna leader is now facing charges under Part 1 of the Code of Administrative Offences' Article 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession, or picket") for failing to inform the authorities in advance of the meeting.

Article 20.2 imposes fines for organising or taking part in an unauthorised gathering, meeting, demonstration, procession or picket. The fines it imposes are currently small, up to the equivalent of two weeks' official minimum wage. But a controversial draft Law has been introduced, following public protests against the election of President Vladimir Putin, which may massively increase such fines. The draft has passed its first reading in Russia's State Duma, and may pass through all Duma stages in June (see below).

The text of The Bhagavad-Gita As It Is, a Hare Krishna commentary on the Bhagavad-Gita, has itself attracted official attempts to have it declared extremist and placed on the Federal List of Extremist Materials. This would have made anyone distributing them or storing them with the intention of distributing them liable to criminal prosecution, but these attempts were rejected by a court in the Siberian city of Tomsk on 21 March (see F18News 21 March 2012 http://www.forum18.org/Archive.php?article_id=1682). Tomsk Regional Prosecutor Vasily Voikin told RIA-Novosti news agency on 29 May that he had finally decided not to challenge this decision.

Izhevsk lecture raided

The lecture Izhevsk's Hare Krishna community had arranged was being held in the rented hall of the city's 2nd Children's Polyclinic. The lecture was part of a programme of events involving a visiting Hare Krishna leader from the Urals community, Shikshashtaka prabhu.

Police Captain Ignatyeva, together with a police Lieutenant Colonel and two men in civilian clothes, arrived and stopped the meeting, Hare Krishna lawyer Mikhail Frolov told Forum 18 from Moscow on 25 May. One of the men in civilian clothes recorded the lecture on video. They then began to question Shikshashtaka prabhu, who was giving the lecture. They then allowed the lecture to continue while they began questioning the organiser. Captain Ignatyeva then drew up the record of an "offence" under Article 20.2, which has been seen by Forum 18.

Captain Ignatyeva told Forum 18 all four were police officers. She said the video was made to confirm the fact of the "illegal" meeting.

She insisted that the Hare Krishna community was holding not a communal event but a public event. She maintained that the

authorities need to be informed. "They can't meet for such purposes in a polyclinic."

"People in strange clothes"

Asked whether – as in many similar raids – the FSB security service had been involved, Captain Ignatyeva said "No". She told Forum 18 that local residents "with small children" had complained to the police that they had seen "people in strange clothes" in the Polyclinic. Asked if the Hare Krishna devotees had disturbed the work of the Clinic or caused any disruption or harm to any of the clinic users, she said they had not.

Captain Ignatyeva said the administrative case against the local leader had been handed to a Magistrate at Judicial Unit No. 7, of Izhevsk's Oktyabr District.

Hare Krishna lawyer Frolov insisted to Forum 18 that no requirement exists under the Religion Law to inform the local authorities of such religious events. He stressed that Izhevsk's Hare Krishna community maintains good relations with the local authorities. Unlike in some other places in Russia, he noted, Hare Krishna devotees have not been prevented by Izhevsk's authorities from processing through the streets.

Outdoor public religious activity, such as processions, by Jehovah's Witnesses, Hare Krishna devotees and Protestants has in some cases resulted in harassment by the police and repeated bans (see eg. F18News 26 July 2010 http://www.forum18.org/Archive.php?article_id=1469).

Raids leading to charges under Article 20.2

Jehovah's Witnesses have also experienced raids leading to charges under Article 20.2. About 14 raids or visits to their meetings in rented venues for religious purposes across Russia are known to have taken place in 2012, spokesperson Grigory Martynov told Forum 18 from St Petersburg on 25 May. Eleven administrative cases under Article 20.2 have been launched, although only three had concluded with a conviction by 25 May, he added.

Protestants have, like Jehovah's Witnesses, also frequently faced raids on meetings in rented venues and Article 20.2 cases in recent years, including in 2011 (see F18News 28 October 2011 http://www.forum18.org/Archive.php?article_id=1631). However, no such cases are known to have occurred in 2012, Nikolai Semyonov, a lawyer with the Moscow-based Slavic Centre for Law and Justice, and Inna Zagrebina of the Moscow-based Guild of Experts on Religion and Law separately told Forum 18 from Moscow.

Article 20.2

Procedures for gatherings, meetings, demonstrations, processions and pickets are set out in the 2004 Demonstrations Law. Administrative Code Article 20.2, which is linked to the Demonstrations Law, punishes "violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession, or picket".

Article 20.2, Part 1, which punishes organising such an unauthorised meeting, carries a fine of 1,000 to 2,000 Roubles. (1,000 Roubles, which is almost one week's official minimum wage, is equivalent to 187 Norwegian Kroner, 25 Euros, or 30 US Dollars.)

Article 20.2, Part 2, which punishes carrying out such an unauthorised meeting, carries a fine on organisers of 1,000 to 2,000 Roubles, and on participants of 500 to 1,000 Roubles.

Religious leaders have often faced Article 20.2 charges after police, FSB security service and Prosecutor's Office raids on religious meetings in rented venues. Legal specialists have told Forum 18 that Article 20.2 does not apply to religious meetings, and is in these cases being used in ways that break Russia's Constitution. This has led to such administrative cases being cancelled on appeal (see F18News 28 October 2011 http://www.forum18.org/Archive.php?article_id=1631).

"Extremism"-related raids

In addition to raids on meetings for religious worship in rented venues, the FSB security service, ordinary police and Prosecutor's Office officials often raid private homes (including when religious meetings are underway) to gather "evidence" in "extremism"-related criminal cases. Muslims who read the works of the late Turkish Muslim theologian Said Nursi and Jehovah's Witnesses are particularly targeted.

In one recent example of such raids, at least 16 such raids were launched early on 4 May on Jehovah's Witness homes and places of worship in five towns in Orenburg Region. And following an 11 February raid on the Kaliningrad home of Muslim Nursi reader Amir Abuev, he is still facing an FSB-instigated criminal case and attempts to have him psychiatrically examined (see F18News 16 May 2012 http://www.forum18.org/Archive.php?article_id=1701).

Unlike The Bhagavad-Gita As It Is, 68 Jehovah's Witness publications and 19 of the works of Nursi in Russian translations are

among those to have been declared to be "extremist" and banned by local courts. These works have then been placed on the Federal List (see eg. F18News 21 June 2011 http://www.forum18.org/Archive.php?article_id=1582).

Bashkortostan raid

Such "extremism"-related raids continue. Prosecutor's Office officials and FSB security service raided a Jehovah's Witness meeting in the town of Uchaly in Bashkortostan in the southern Urals on 5 May. Officials waited until the end of the meeting before questioning the approximately 14 people who had gathered for the meeting in a rented venue. Some were questioned for up to three hours about why they were holding the meeting, Jehovah's Witnesses complained to Forum 18. Not only the hall but the home of Stanislav Marchishen, the head of the local Jehovah's Witness community, was searched without a warrant.

On 14 May, a record of an "offence" was drawn up (seen by Forum 18), detailing the FSB and Prosecutor's Office raid. It accused Marchishen of violating Administrative Code Article 20.2, Part 1. Marchishen wrote on the document that the case violated his constitutional rights and that he refused to give any testimony. The case was due to be heard by a Magistrate on 28 May, but has been postponed until 4 June.

Police and FSB raid in Kaliningrad

On 5 April, police including officers from the local Anti-Extremism Centre with FSB security service officers raided a Jehovah's Witness meeting in the city of Kaliningrad, the capital of the Russian Baltic exclave. The meeting was to commemorate the Memorial of Christ's Death, the most important Jehovah's Witness event of the year. Officers forced at least some of those present to write statements.

A record of an "offence" – organising an event without notifying the local authorities – was drawn up against Oleg Moiseenkov under Article 20.2, Part 1. Jehovah's Witnesses insisted to Forum 18 that Moiseenkov was not the organiser of the event.

The case was due to be heard by Magistrate Tatyana Kholonina at Judicial Unit No. 2 of Kaliningrad's Moscow District on 15 May. However, at Moiseenkov's lawyer's request it was postponed. The hearing is now due on 5 June, the Judicial Unit's website notes.

Dobryanka raid

Jehovah's Witnesses in the town of Dobryanka in Perm Region of the Urals were also raided on 5 April as they were marking the Memorial of Christ's Death, Jehovah's Witnesses told Forum 18. The community had rented the local Cultural and Sports Centre, which it had occasionally rented in the past. The Prosecutor's Office said it was conducting a "check-up" of the activity of the Jehovah's Witness Administrative Centre in St Petersburg (which leads Jehovah's Witness activity in Russia) at the instigation of Perm Regional Police's Anti-Extremism Centre.

On 17 April, Dobryanka's acting Prosecutor, Yuri Sarapultsev, lodged an administrative case under Article 20.2, Part 1 against local Jehovah's Witness Andrei Kuznetsov, who had organised the rental of the Cultural and Sports Centre. Kuznetsov was accused of not informing the authorities of the event. The case was handed first to the Magistrate at Dobryanka's Judicial Unit No. 57 then, as she was absent, to Judicial Unit No. 58. The case is due to be heard on 1 June.

Acting Prosecutor Sarapultsev refused to discuss why officials needed to "check up" on a religious community's meeting for worship. "I have no information on any raid," he claimed to Forum 18 from Dobryanka on 28 May. He claimed not to know about the administrative case he had launched against Kuznetsov. "All will be examined in court, including the legality of the check-up," he eventually said, before putting the phone down.

Two raids in Smolensk Region, but Article 20.2 cases thrown out

On 17 and 18 March, police arrived at the rented Culture Hall in Roslavl in Smolensk Region on both days of a two-day Jehovah's Witness event being held there, attended by about 700 people. On both days officers drew up a record of an "offence" under Article 20.2, Part 1 against local Jehovah's Witness Leonid Belyaev, Jehovah's Witnesses told Forum 18. He insisted that the event constituted a religious service for which notification is not required.

On 10 May a Magistrate in Smolensk threw out both the cases as no offence under Article 20.2 had been committed, according to the verdicts seen by Forum 18.

However, the Prosecutor has appealed against the verdicts. The appeals are due to be heard at Smolensk's Zadneprovsky District Court, though no date has yet been set.

Raids without Article 20.2 cases

Raids often take place on Jehovah's Witness religious services without the launching of cases under Article 20.2.

On 16 February, more than 10 police officers surrounded premises where more than 30 Jehovah's Witnesses were meeting for worship in the town of Elabuga in Tatarstan, Jehovah's Witnesses told Forum 18. After the meeting, police spent several hours taking down the names and personal details of those present "which was accompanied by insults to the religious feelings of the believers", Jehovah's Witnesses stated. After a thorough search of the premises, all religious literature was confiscated.

Several Jehovah's Witnesses were then taken to a police station for further questioning. Their bags were searched and they were photographed. One of those detained was threatened with having drugs planted on him, as well as being "stripped naked for a search", Jehovah's Witnesses told Forum 18.

On 23 February in the town of Novotroitsk in Orenburg Region, three officials interrupted a Jehovah's Witness religious meeting in a rented venue. One was a police officer, another the Deputy Mayor with responsibility for social issues. The third did not identify herself. After questioning those present they called for further police.

Five officers then arrived and Jehovah's Witnesses had to halt their service. Police confiscated the March 2012 issue of Jehovah's Witness magazine *Awake!* containing a front-cover story entitled "Why are people so angry?". Four Jehovah's Witnesses had to remain behind to answer questions and write statements about the community's activity.

Fines overturned

Those punished under Article 20.2 for organising religious meetings without notifying the authorities often have their fines overturned on appeal, Forum 18 notes. However, Jehovah's Witnesses pointed out that achieving this entails stress and preparation time for those who should never be brought to court in the first place.

For example, on 16 April, after three earlier scheduled appeal hearings were postponed, Judge Anatoli Mokrushin at Perm's Ordzhonikidze District Court overturned a fine of 1,000 Roubles handed down earlier to local Jehovah's Witness Aleksandr Solovyev, according to the verdict seen by Forum 18. He had been fined on 14 February by Magistrate Natalya Giniatullina for organising regular worship in the Pushkin Culture House.

The case had been launched under Article 20.2, Part 1 after the local Police Anti-Extremism Centre had passed to the Ordzhonikidze District Prosecutor's Office a report and video materials of the community's two-hour long meeting for religious worship on 21 November 2011. The community had been meeting there twice a week since 1 January 2010 without incident.

The authorities had earlier sought to prosecute Solovyev – also at the instigation of the Police Anti-Extremism Centre – for organising a local Jehovah's Witness congress on 30 April 2011. On 17 June 2011 an administrative case under Article 20.2 had been launched. However, prosecutors did not bring the case to court within the prescribed time limit and so it was closed.

In an earlier case, fellow Jehovah's Witness Eduard Zavalinich succeeded in overturning the fine of 1,000 Roubles imposed on him by a Magistrate in Kaliningrad Region on 18 August 2011 under Article 20.2, Part 1. On 5 October 2011, Polesk District Court upheld his appeal, according to the verdict seen by Forum 18. The case had been launched after a Jehovah's Witness congress had been broken up in the village of Saranskoe on 8 July 2011.

ECtHR challenges

On 20 May 2011, Jehovah's Witnesses lodged a joint case to the European Court of Human Rights (ECtHR) challenging fines for meeting for worship in five separate instances. The case is entitled *Aleksandr Nabokikh and Others v. Russia* (Application No. 19428/11). Nabokikh was fined 1,500 Roubles (362 Norwegian Kroner, 48 Euros, or 66 US Dollars) for organising a three-day meeting in a village in Kirov Region in July 2010 (see F18News 28 October 2011 http://www.forum18.org/Archive.php?article_id=1631).

The ECtHR has not yet ruled on whether the case is admissible.

Massive proposed fine increases

Following public protests against the election of President Putin, a controversial draft Law to increase massively fines for violations of the Demonstrations Law was introduced into the lower house of Russia's parliament, the State Duma, on 10 May. The draft Law was proposed by eight deputies and was considered in the Duma's Constitutional Law and State Building Committee. It received its first reading in the full Duma on 22 May and passed with 236 votes in favour, 207 votes against, and one abstention. The Law's supporters hope that it may receive its final third reading in June, before being sent to the upper chamber, the Federation Council, for approval. If approved it would then be sent to the President for signature.

The draft Law would – if adopted in its current form – increase fines under Article 20.2. Fines under Part 1 for organising an unauthorised gathering, meeting, demonstration, procession or picket are currently 1,000 to 2,000 Roubles. (1,000 Roubles, which is

almost one week's official minimum wage, is equivalent to 187 Norwegian Kroner, 25 Euros, or 30 US Dollars.) They are proposed to increase to between 10,000 Roubles (1,870 Norwegian Kroner, 250 Euros, or 300 US Dollars) and 1,000,000 Roubles (187,000 Norwegian Kroner, 25,000 Euros, or 30,000 US Dollars). There would also be a new possible punishment of up to 200 hours community service.

Fines would also increase under Article 20.2, Part 2 for organisers who carry out an unauthorised gathering, meeting, demonstration, procession or picket. These currently the same as under Part 1, and the increases proposed are the same as the increases proposed for Part 1.

Participants in an unauthorised gathering, meeting, demonstration, procession or picket face punishment under Article 20.2, Part 2, with a current fine of between 500 and 1,000 Roubles. It is proposed that fines increase to between 1,000 and 900,000 Roubles (168,100 Norwegian Kroner, 22,340 Euros, or 28,000 US Dollars). An alternative proposed punishment is up to 200 hours community service.

Zagrebina of the Guild of Experts on Religion and Law noted that the increased punishments are directed mainly at organisers of political demonstrations. "But religious believers will be caught up too – mainly Jehovah's Witnesses, but in some localities possibly Protestants too," she told Forum 18 on 29 May. "I believe the draft Law will be adopted quickly, but not with such heavy fines. The fines will probably be up to about 15,000 Roubles [2,800 Norwegian Kroner, 375 Euros, or 470 US Dollars]."

Hare Krishna community lawyer Frolov expressed particular concern about the impact of these amendments, if adopted. "These proposals to increase punishments will create bigger problems for all religious organisations", he told Forum 18, "as public religious events – by their very nature peaceful and non-political - are under the Religion Law held under the terms of the Demonstrations Law." He points out that any violations of the procedures for organising religious events face exactly the same penalties as for organising street demonstrations, even though the possibility of danger to the public around such religious events is "incomparably lower".

Semyonov of the Slavic Centre for Law and Justice also thought that, if adopted, this draft Law would cause problems for some religious communities. Yet he thinks the chances of it being adopted remain low. "They've tried this several times before," he told Forum 18 on 28 May. (END)

For more background, see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1196.

Analysis of the background to Russian policy on "religious extremism" is available in two articles: - 'How the battle with "religious extremism" began' (F18News 27 April 2009 http://www.forum18.org/Archive.php?article_id=1287 - and - 'The battle with "religious extremism" - a return to past methods?' (F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

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>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY