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RUSSIA: Changing administrative punishments for public events

By Victoria Arnold, Forum 18

Prosecutions under Administrative Code Article 20.2 for exercising freedom of religion and belief in public fell in 2016 as officials turned to "anti-missionary" Article 5.26 (Parts 3, 4, and 5), which came into force in July 2016. Article 5.26 offers far higher financial penalties.

Individuals continue to be prosecuted for exercising their freedom of religion and belief in public, but the legal mechanism for doing so appears to be changing, Forum 18 has found. Officials are turning less to Article 20.2 of the Administrative Code and more to the "anti-missionary" Article 5.26 (Parts 3, 4, and 5), which came into force in July 2016. These parts of Article 5.26 offer far higher financial penalties for officials to impose on people exercising freedom of religion and belief.

Administrative Code Article 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket") has frequently been used against individuals and communities whose beliefs require them to share the tenets of their faith in public. Under Part 1 and Part 5, individuals may be fined 10,000 to 20,000 Roubles or sentenced to compulsory labour of up to 40 hours; under Part 2, individuals may receive a fine of 20,000 to 30,000 Roubles, compulsory labour of up to 50 hours, or up to 10 days in jail. Fines for organisations under Part 1 are 50,000 to 100,000 Roubles; under Part 2, 70,000 to 200,000 Roubles.

The number of prosecutions under Article 20.2 which reached court in 2016, however, shows a marked decrease on the previous year, particularly after the introduction of the July 2016 "anti-missionary" legal changes (see F18News 8 July 2016 http://www.forum18.org/archive.php?article_id=2197).

The July 2016 "anti-missionary" legal changes and associated punishments under Administrative Code Article 5.26 (Parts 3, 4, and 5) now appear to be becoming law enforcement's primary means of controlling and penalising the expression of freedom of religion outside (and sometimes even within) places of worship. The maximum fines for both individuals and organisations under Article 5.26, Part 4 and for foreign individuals under Part 5 are much higher than under Article 20.2, Parts 1, 2 and 5 (see Forum 18's general Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2246).

Article 20.2 prosecutions in 2016 continued to result in heavy punishments, including fines of nearly two-thirds the average monthly wage and twice the average monthly pension, and, in one case, an eight-day jail sentence for sitting on a pavement singing religious mantras (see below). Particularly when appeals (from both sides) and re-trials are taken into account, cases can be costly in terms of time, effort, and money, even if defendants are ultimately exonerated.

Article 20.2

Administrative Code Article 20.2 is linked to the Demonstrations Law and punishes the "violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket". Its eight parts cover a variety of offences, but only Parts 1, 2, and 5 are known by Forum 18 to have been used against people who exercise freedom of religion or belief (see Forum 18's general Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2246).

As well as individuals promoting their religious beliefs, members of public associations and political parties (such as Communists marking Lenin's birthday), political demonstrators (such as those involved in anti-corruption protests on 26 March and 12 June 2017), and individuals protesting against social problems (such as rising utility costs or the introduction of new road tolls for lorry drivers) may also face charges under Article 20.2.

Eight Part 2 cases and four Part 5 cases in 2016 were based on a law enforcement interpretation of much outdoor religious activity as "picketing" (deemed unlawful if carried out by more than one person without notifying the authorities). Jehovah's Witnesses, upon whom the burden of such cases principally falls, do not consider their actions to be picketing, but "religious service" and therefore do not think to inform the authorities.

Despite legal changes in 2012 and 2014 which give judges concrete grounds for dismissing cases in which police misapply the law,

the situation remains confusing. In December 2012, responding to an appeal by two Jehovah's Witnesses, the Constitutional Court ruled that notification of an event need only be submitted if the authorities are required to provide health and safety measures (see F18News 15 August 2013 http://www.forum18.org/archive.php?article_id=1865). The Religion Law was amended in 2014 to clarify in which places religious events may be freely held (see F18News 17 September 2015 http://www.forum18.org/archive.php?article_id=2101).

Nevertheless, police and prosecutors persist in bringing charges against individuals for publicly exercising freedom of religion and belief, often on a very small scale. In 2016, Forum 18 found ten prosecutions (five based on the same investigation – see below) which should not have been initiated in light of these legal changes. All but one of these defendants were acquitted by judges who cited the 2012 Constitutional Court ruling and/or the 2014 amendments in support of their decisions.

28 prosecutions in 2016

From an analysis of available court records, Forum 18 found 28 prosecutions to punish exercising freedom of religion or belief under Article 20.2 Parts 1, 2 and 5 in 2016 (all of individuals). Seven of these were under Part 1, 11 under Part 2, and 10 under Part 5.

In 2015, Forum 18 found 122 such prosecutions (including three of communities) (see F18News 18 May 2016 http://www.forum18.org/archive.php?article_id=2179).

Overall, it appears that prosecutions in general under Article 20.2 (both religious and non-religious) have remained fairly stable, with a total of 387 in 2016 and 468 in 2015 under Parts 1, 2, and 5 (for all eight parts of Article 20.2, these figures were 843 cases in 2016 and 748 in 2015). Only in religion-related cases can a noticeable decline be observed.

There also appears to have been a decline towards the end of the year, with 10 cases reaching court between January and April and 13 between May and August, but only 5 between September and December.

These 2016 prosecutions led to 18 convictions (15 fines, one 8-day jail term, and three 20-hour community service sentences) and 11 acquittals (before appeals). Ten of the 18 convictions were challenged in higher courts. Only two of these appeals were successful. An appeal judge reduced fines in a further two cases. Police and prosecutors also appealed against five acquittals, but none of these was overturned.

In 2016, Forum 18 found eleven cases involving members of the Society for Krishna Consciousness (derived from six separate investigations), ten of Jehovah's Witnesses (also from six investigations), one of an Evangelical Protestant, one of a Falun Gong adherent, one of a Baptist, and four of Christians of unspecified denomination.

These figures show a substantial decrease in prosecutions of Jehovah's Witnesses, of which Forum 18 found 83 in 2015, and Baptists (9 cases in 2015). Hare Krishna and Evangelical Protestant prosecutions remain consistent (nine and three respectively in 2015).

Gender and geography

Of the 26 individuals known to have been prosecuted (two of them twice), eight were women and 18 were men.

Prosecutions took place in 13 of the Russian Federation's 83 federal subjects (not counting Crimea and Sevastopol). Rostov and Tver Regions each saw four cases come to court, with three each in Kaliningrad and Magadan Regions and two each in Murmansk, Tomsk, Krasnoyarsk, Zabaikalsk and Primorye Regions and the Republic of Bashkortostan. The Tula and Orenburg Regions each saw one prosecution, as did Samara (though this was later transferred to Tver – see below).

In addition to the prosecutions found by Forum 18, similar cases have been brought in Russian-annexed Crimea (see F18News 5 January 2016 http://www.forum18.org/archive.php?article_id=2137).

Reasons for change

The decrease in prosecutions for exercising freedom of religion or belief under Article 20.2 can be largely accounted for by the massive decline in prosecutions under this Article of Jehovah's Witnesses, who now face far more serious penalties (as well as halting of worship meetings, threats and vandalism) following the April 2017 ban on their activities.

In general, law enforcement attention towards Jehovah's Witnesses intensified throughout 2016 and into 2017. Prosecutions have increased under Administrative Code Article 20.29, which punishes "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" (see F18News 19 June 2017 http://www.forum18.org/archive.php?article_id=2287); several communities have been liquidated (see F18news 15 February 2017 http://www.forum18.org/archive.php?article_id=2256); and the Supreme Court ruled on 20 April 2017 that the Jehovah's Witness Administrative Centre is an "extremist organisation" and all Jehovah's Witness activity in Russia should be halted

(see F18News 20 April 2017 http://www.forum18.org/archive.php?article_id=2274).

However, Jehovah's Witnesses in Russia now rarely engage in their traditional practice of standing in the street or parks, alone or in pairs, with trolleys of religious literature, a then spokesperson Ivan Belenko told Forum 18 in December 2016. Such activity frequently attracted charges of "unlawful picketing" under Article 20.2.

This, Belenko explained, is for two reasons: firstly, there is little literature left to offer, as so much has been banned as "extremist" and all imports have been impounded since March 2015; secondly, an amendment to the Demonstrations Law in March 2016 introduced a requirement to notify the authorities of a one-person "picket" if it made use of "prefabricated collapsible structures" such as stands and trolleys. Notification has not usually been necessary for one-person pickets.

Prosecutors and police initiated 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") prosecutions of Jehovah's Witnesses in 2016 primarily after law enforcement raids on Kingdom Halls and people's homes, Forum 18 notes, or after they found links to the banned jw.org website on individuals' social media pages. Only a handful of Administrative Code Article 20.29 prosecutions now arise from the apprehension of Jehovah's Witnesses offering literature in public places (see F18News 19 June 2017 http://www.forum18.org/archive.php?article_id=2287).

Courts also declared five Jehovah's Witness communities "extremist organisations" in 2016 (in Stariy Oskol, Belgorod, and Elista in February, Oryol in June, and Birobidzhan in October). If former members of these communities had engaged in any public expression of their faith, they may have been liable to criminal prosecution under Criminal Code Article 282.2 (organising or participating in the activities of a liquidated extremist organisation).

Jehovah's Witnesses now face heightened danger of prosecution (both administrative and criminal) since the Supreme Court ordered their Administrative Centre to be liquidated as "extremist" on 20 April 2017 (see F18News 26 May 2017 http://www.forum18.org/archive.php?article_id=2282).

Alexander Verkhovsky, Director of the Moscow-based SOVA Center for Information and Analysis, attributes the decline in Article 20.2 prosecutions of religious believers "partly" to the introduction of the so-called "missionary law". This amendment to the Religion Law, which came into force on 20 July 2016, imposes restrictions on where and by whom beliefs may be shared, and prohibits imprecisely defined "missionary activity" by anyone without written permission from an officially recognised religious organisation or group, and by religious organisations not displaying their full legal names (see F18News 1 March 2017 http://www.forum18.org/archive.php?article_id=2261).

"Often, the police simply choose the law [under which to prosecute] at random", Verkhovsky commented to Forum 18 on 4 July, "and the emergence of options leads to a redistribution."

Lawyer Sergei Chugunov of the Slavic Centre for Law and Justice also confirmed to Forum 18 that the majority of such religion-related cases now attract charges under Article 5.26 instead of Article 20.2.

Same "offence", different penalty

Administrative Code Article 5.26, Parts 4 and 5 – which came into force in July 2016 - punish violations of the "anti-missionary" law by Russian citizens and foreigners respectively (Part 3 fines religious organisations for the specific offence of not displaying their full official names during "missionary activity").

Many of the prosecutions so far under Article 5.26, Parts 4 and 5 have been for activities which also fall under the scope of Article 20.2, such as the distribution of religious literature, open-air services and processions, and events held in rented premises.

In total, Forum 18 found 25 cases brought to court under Article 5.26, Parts 4 and 5 between 20 July and 31 December 2016 (five involving Jehovah's Witnesses, five Pentecostals, 5 other Evangelical Protestants, two Hare Krishna devotees, two Seventh-day Adventists, two Baptists, two Buddhists, and one village elder in relation to a Pentecostal case). At least 14 of these featured activities could have been prosecuted under Article 20.2.

Of the 28 prosecutions under Article 20.2, Parts 1, 2, and 5 found by Forum 18 in 2016, 20 took place in the seven months to the end of July 2016 (when the "anti-missionary" amendment began to take effect), but only eight in the five months thereafter, with none at all found in October and November (the two in December involved the same person and were based on events he held in June).

Only one case so far is known to have involved charges under both Article 5.26 and Article 20.2. Andrei Puchkov, a Hare Krishna devotee in Tver, organised a procession in the city in October 2016, notifying the local authorities as required by law. Prosecutors accused him of both conducting "missionary activity" without written authorisation from a religious organisation or group (Article 5.26, Part 4), and "violating the established order of a public event" by carrying out "missionary activity" instead of the festival of Indian culture described in the notification (Article 20.2, Part 1) (see F18News 1 March 2017

http://www.forum18.org/archive.php?article_id=2261). Puchkov was found guilty of the first alleged offence on 10 January 2017 and of the second on 22 February 2017.

Example cases under Article 20.2

Hare Krishna devotee Nikolai Kryukov received an eight-day jail sentence (under Article 20.2, Part 2) at Magadan City Court on 28 July 2016 for sitting outside a city centre shop and singing the mantra "Hare Krishna", without having notified the city mayor's office.

According to the written verdict, seen by Forum 18, a passer-by had called the police to report a group of people "performing religious rites and agitation in the streets of Magadan". The witness claimed the men were trying to sell books, and that when he refused to take one on the grounds that he was of a different faith, Kryukov had told him all other religions were a lie.

Kryukov himself argued in court that he and his friends had made no impositions on anybody, had not handed out any literature, and had aimed only to bring "joy and happiness". Judge Yelena Sidorovich, however, noted that this was a repeat "offence" and decided on detention as a deterrent.

Kryukov's companions, Oleg Kim and Vladimir Gerasimenko, were charged under Article 20.2, Part 5. Judge Ilona Cherkasova acquitted the two men on 23 August 2016, however. She concluded that they had not violated any of the restrictions on participants in a public event (the offence covered by Part 5), and noted that the police had based the charges on the lack of notification (Part 2), for which Kim and Gerasimenko could not be held responsible as participants.

Kryukov and another Hare Krishna adherent, Dmitry Moskvichyov, had already been detained for six days for a similar alleged offence in Magadan in August 2015 (see F18News 4 November 2015 http://www.forum18.org/archive.php?article_id=2117). They had no opportunity to organise proper legal support and were refused a vegetarian diet for three days. Gerasimenko, Kim, and a fifth man, Yevgeny Fedoreyev, who were also involved in the incident, were later charged in their home regions and fined.

Judgments continue to be inconsistent in 2016 prosecutions, with different outcomes in very similar cases heard in different courts or before different judges. Jehovah's Witnesses E. Shevchenko and Ye. Zherebilova, for example, were charged under Article 20.2, Part 2, with "unlawful picketing" for displaying religious literature on information stands in a park in the Rostov Region town of Shakhta. Police and prosecutor's office staff carrying out an "anti-extremism inspection" allegedly observed that the two women were standing only 25 metres apart (the minimum distance permitted between one-person pickets, which require no notification, is 50 metres). Judge Lidiya Cherepanova of Shakhta City Court found them guilty on 4 April 2016 and fined them each 20,000 Roubles.

Jehovah's Witnesses Oleg Shekhanin and T. Shekhanina, however, were also charged under Article 20.2, Part 2, with "unlawful picketing" for standing together with religious literature displayed on a trolley on the river embankment in Kaliningrad – but were acquitted. Judge Irina Kuzovleva of the city's Leningrad District Court decided on 22 January 2016 that the defendants "did not take an active part in the event by expressing opinions or making particular demands, and did not create a threat to public order or public security".

Cases can also be long and complex, often with divergent outcomes for different defendants in the same case. Five Hare Krishna devotees were charged under Article 20.2, Part 5, for singing songs using amplification equipment at a bus stop in Tver and offering religious literature to passers-by. In the case materials, cited in court verdicts seen by Forum 18, police described this as a "public voluntary action".

One man, Pavel Shirayayev, appeared in court in his home town of Samara on 7 April 2016 and received a fine of 10,000 Roubles. On appeal at Samara Regional Court on 21 June, his case was sent back for re-examination; at re-trial on 30 June at the original Krasnoglinsk District Court, it was transferred to Tver, where the alleged offence took place. Shirayayev was eventually acquitted by Judge Olga Baranova of Tver's Central District Court on 2 November, on the grounds that the "event" had not threatened public order or safety and therefore had not required notification under the 2012 Constitutional Court ruling (for which, in any case, Shirayayev, as a participant, could not be held responsible).

Shirayayev's fellow defendants faced a range of experiences in the court system. O. Gordeyeva was also fined 10,000 Roubles at Tver's Kalinin District Court on 8 April. Her initial appeal was unsuccessful, but a subsequent supervisory appeal resulted in her case, too, being sent back for re-examination and transferred to the city's Central District Court for jurisdictional reasons. She was acquitted by Judge Lyudmila Fokina, who also cited the 2012 Constitutional Court ruling and pointed out that "public voluntary action" was not a recognised category of public event.

Judge Aleksei Mikhailov found A. Chechelev guilty at Tver's Central District Court on 12 May and fined him 10,000 Roubles. Chechelev did not appeal.

Judge Fokina also acquitted I. Ivanov on 30 June, citing the 2012 Constitutional Court ruling and the constitutional and international

right to share one's beliefs.

The fifth Hare Krishna devotee involved in the incident, Anastasiya Puchkova, did not come to trial. Judge Fokina returned her case to police twice (on 3 February and 2 June 2016) for technical reasons (including the fact that "public voluntary action" was not a category of public event recognised under the Demonstrations Law). It was not lodged a third time.

Although only one of the five ended up with a punishment, the others all had to undergo protracted and complicated court proceedings which did not conclude for many months after their alleged offence, which took place on 19 December 2015.

Known 2016 freedom of religion or belief Article 20.2 cases

- Article 20.2, Part 1

8 April

Name: Irina Filyayeva

Fine: 10,000 Roubles

Court: Moscow District Court, Kaliningrad

Situation: Evangelical Protestant pastor organised a religious service involving ten people in a conference hall on premises rented for a religious organisation's convention, without notification; appeal judge notes that this should have been Part 2, but reclassification would worsen the defendant's position, and that since event took place in premises rented for the purpose, no notification was required

Appeal: successful – 19 May 2016, Kaliningrad Regional Court

1 June

Name: Andrei Kharchev

Fine: unknown

Court: Monchegorsk City Court, Murmansk Region

Situation: Christian (of unspecified denomination and not representing a religious association) charged for handing out flyers in a public square inviting passers-by to his home for Bible study, without having notified the authorities; identical to later case below but for the use of sound-amplifying equipment

Appeal: unsuccessful – 7 July 2016, Murmansk Regional Court

23 June

Name: Andrei Kharchev

Fine: none – acquitted

Court: Monchegorsk City Court, Murmansk Region

Situation: Christian (of unspecified denomination and not representing a religious association) charged for handing out flyers in a public square inviting passers-by to his home for Bible study, without having notified the authorities; different judge from above concluded that this could not be interpreted as a "public event" (but that it was "preparatory agitation" for a public event in the form of a gathering)

Appeal: none

6 September

Name: I.B. Gaivoronsky

Fine: 10,000 Roubles

Court: Taganrog City Court, Rostov Region

Situation: Hare Krishna devotee held event with the aim of "popularisation of a healthy lifestyle based on spiritual values"; charged for not wearing/carrying sign showing that he was the organiser, and for holding an event with different aims, ie. "popularisation" of the Society for Krishna Consciousness

Appeal: none

20 September

Name: M.G. Mishenin

Fine: 10,000 Roubles

Court: Kirov District Court, Rostov-on-Don

Situation: organiser of a charity Asian cultural festival (dance, origami, displays of traditional costumes) "violated the established order of conducting an event" by distributing brochures on the persecution of Falun Gong practitioners

Appeal: unsuccessful – 30 November 2016, Rostov Regional Court

22 December

Name: G.A. Averyanov

Fine: 10,000 Roubles

Court: Soviet District Court, Tomsk

Situation: Hare Krishna devotee held an event on 11 June 2016 "with the aim of creating a benevolent festive atmosphere in the city and promoting a healthy lifestyle based on spiritual values"; charged for handing out religious literature when this had not been mentioned in the notification to the authorities

Appeal: none

22 December

Name: G.A. Averyanov

Fine: 10,000 Roubles

Court: Soviet District Court, Tomsk

Situation: Hare Krishna devotee held another event on 19 June "with the aim of creating a benevolent festive atmosphere in the city and promoting a healthy lifestyle based on spiritual values"; charged for handing out religious literature when this had not been mentioned in the notification to the authorities

Appeal: none

- Article 20.2, Part 2

22 January

Name: Oleg Shekhanin

Fine: none – acquitted

Court: Leningrad District Court, Kaliningrad

Situation: with another person (T.L. Shekhanina, see below), accused of unlawful picketing for offering religious literature (probably Jehovah's Witness) from an information stand on an embankment; judge concludes that there is no evidence that the defendant organised the "event" (and therefore responsible for notification), and no grounds for reclassifying the "offence" under Part 5; judge also concludes that "by standing beside a mobile stand with religious literature, [the defendant] did not take an active part in the

event by expressing opinions or making particular demands, and did not create a threat to public order or public security"

Appeal: none

22 January

Name: T.L. Shekhanina

Fine: none – acquitted

Court: Leningrad District Court, Kaliningrad

Situation: probably Jehovah's Witness; same case as Oleg Shekhanin – see above

Appeal: none

1 April

Name: G.N. Vlasova

Fine: 20 hours' community service

Court: Soviet District Court, Krasnoyarsk

Situation: Jehovah's Witness – same case as Zaitseva below

Appeal: successful – 12 May 2016, Krasnoyarsk Regional Court

4 April

Name: E.V. Shevchenko

Fine: 20,000 Roubles

Court: Shakhta City Court, Rostov Region

Situation: Jehovah's Witness accused of unlawful picketing for displaying religious literature on information stand in city park, with another Jehovah's Witness (Zhrebilova – see below) only 25 metres away; observed by police and prosecutor's office officials carrying out an "anti-extremism" inspection

Appeal: none

4 April

Name: Ye. I. Zhrebilova

Fine: 20,000 Roubles

Court: Shakhta City Court, Rostov Region

Situation: Jehovah's Witness; same case as Shevchenko above

Appeal: none

3 June

Name: Tatyana Zaitseva

Fine: none – acquitted

Court: Soviet District Court, Krasnoyarsk

Situation: Jehovah's Witness accused of unlawful picketing for standing with another person (same case as Vlasova – see above)

with an information stand displaying religious literature on a pedestrian bridge adjoining a shopping centre; approached by a young man and woman, observed and photographed by men who later said they were from the FSB; judge concludes that defendant was not disrupting public order or disturbing anyone and that there was no "object" to picket – therefore no need to submit notification

Appeal: by prosecution, unsuccessful – 21 July 2016, Krasnoyarsk Regional Court

9 June

Name: V.A. Lopatkov

Fine: none – acquitted

Court: Shilka District Court, Zabaikalsk Region

Situation: Jehovah's Witness charged for organising gathering in commemoration of Christ's death at cultural centre; with reference to the 2012 Constitutional Court ruling, judge concluded that no notification was required

Appeal: by prosecution, unsuccessful – 11 July 2016, Zabaikalsk Regional Court

6 July

Name: S.S. Fedonin

Fine: none – acquitted

Court: Central District Court, Tula

Situation: Hare Krishna devotee organised a gathering at which mantras were sung; judge concluded that it did not violate public order, did not involve political agitation or the expression of "negative opinions", and did not obstruct traffic or pedestrians – the fact that it was held outside the places designated in the Religion Law is not in itself grounds for notification being required; judge refers to 2012 Constitutional Court ruling

Appeal: none

28 July

Name: Nikolai Kryukov

Fine: none – 8 days' administrative arrest

Court: Magadan City Court

Situation: Hare Krishna devotee accused of unlawful picketing for sitting on the pavement outside a shop with two others (Kim and Gerasimenko – see below) and singing the mantra "Hare Krishna"; defendant claimed they made no impositions on anybody, did not hand out any literature, and aimed only to bring "joy and happiness"; witness called the police to report a group of people "performing religious rites and agitation in the streets of Magadan" – claimed the men were trying to sell books and that Kryukov told him all other religions were a lie when he refused to take one on the grounds that he was of a different faith; other witnesses made similar claims about book-selling; mayor's office testified that no notification had been received; judge notes repeat offence as aggravating factor and decides on detention as a deterrent

Appeal: none

4 August

Name: A.A. Kotov

Fine: none – acquitted

Court: Bezhetsk City Court, Tver Region

Situation: Jehovah's Witness accused of organising a gathering of 46 people in rented premises to watch an internet broadcast of a worship service in Moscow, without having submitted notification of the event – defendant denied being the organiser and claimed that all necessary safety measures had been taken, so no notification was needed; acquitted with reference to October 2014

amendments re. rented premises and December 2012 Constitutional Court ruling re. health and safety

Appeal: none

23 September

Name: Aleksandr Dyomkin

Fine: none – acquitted

Court: Novosergiyevka District Court, Orenburg Region

Situation: (registered) Baptist church pastor accused of unlawful picketing for holding a children's party in the yard of his prayer house; prosecutor changed text of charges when proceedings began, at first basing them on an anti-extremism inspection from 2 to 8 September, then on an inspection of compliance with the Demonstrations Law from 2 to 16 September

Appeal: by prosecution – unsuccessful, 21 October, Orenburg Regional Court

- Article 20.2, Part 5

9 March

Name: R.Zh. Nabiullin

Fine: unknown

Court: Uchaly District Court, Bashkortostan

Situation: Jehovah's Witness accused of unlawful picketing for standing near a fountain outside a shopping centre with another person (S.R. Abubakirova – see below) and displaying religious literature on an information stand

Appeal: conviction upheld but fine reduced to 10,000 Roubles – 13 April 2016, Supreme Court of Bashkortostan

9 March

Name: S.R. Abubakirova

Fine: 15,000 Roubles

Court: Uchaly District Court, Bashkortostan

Situation: Jehovah's Witness accused of unlawful picketing for standing near a fountain outside a shopping centre with another person (R.Zh. Nabiullin – see above) and displaying religious literature on an information stand

Appeal: conviction upheld but fine reduced to 5000 Roubles – 13 April 2016, Supreme Court of Bashkortostan

7 April

Name: Pavel Shirayayev

Fine: 10,000 Roubles

Court: Krasnoglinsk District Court, Samara Region

Situation: Hare Krishna devotee accused of participating in a "public voluntary action", handing out religious literature and singing with amplification equipment at a bus stop – with five others – in Tver; same case as Ivanov, Gordeyeva, Puchkova, Chechelev

Appeal: sent back for re-examination – 21 June 2016, Samara Regional Court; transferred for jurisdictional reasons – 30 June 2016, Krasnoglinsk City Court; acquitted on re-trial – Central District Court, Tver, 2 November 2016

8 April

Name: O.I. Gordeyeva

Fine: 10,000 Roubles

Court: Kalinin District Court, Tver

Situation: Hare Krishna devotee accused of participating in a "public voluntary action", handing out religious literature and singing with amplification equipment at a bus stop – with five others (see below)

Appeal: unsuccessful (not considered) – Tver Regional Court, 20 May 2016; transferred for jurisdictional reasons at supervisory appeal – Tver Regional Court, 16 August 2016; acquitted on re-trial – Central District Court, Tver, 27 September 2016

12 May

Name: A.A. Chechelev

Fine: 10,000 Roubles

Court: Central District Court, Tver

Situation: Hare Krishna devotee accused of participating in a "public voluntary action", handing out religious literature and singing with amplification equipment at a bus stop – with five others (same case as Gordeyeva, Shirayev, Puchkova, Ivanov)

Appeal: none

30 June

Name: I.A. Ivanov

Fine: none – acquitted

Court: Central District Court, Tver

Situation: Hare Krishna devotee, along with four others (see Gordeyeva, Chechelev, Shirayev, Puchkova), sang songs using amplification equipment at a bus stop and offered religious literature from an information stand; interpreted by police as a "public voluntary action", which the judge points out is not mentioned in the Demonstrations Law; judge cites constitutional and international right to share one's beliefs and 2012 Constitutional Court judgement re. notification requirement; prayer and religious meetings should be classed as assemblies (sobraniya), which do not require notification; no reason to suppose that Ivanov was the organiser, rather than just a participant

Appeal: none

5 July

Name: S.A. Prokopenko

Fine: 20 hours' community service

Court: Ussuriysk District Court, Primorye

Situation: unspecified Christian charged for handing out religious literature and talking about Jesus to passers-by (same case as Lavrinov – see below); argued that he was engaging in religious service, not a public event; judge concluded that he "openly demonstrated his religious beliefs in a place in which the mass presence of people may be expected, thus creating the danger of violating public order".

Appeal: unsuccessful – 17 August 2016, Primorye Regional Court

5 July

Name: Ye.M. Lavrinov

Fine: 20 hours' community service

Court: Ussuriysk District Court, Primorye

Situation: unspecified Christian charged for handing out religious literature and talking about Jesus to passers-by (same case as Prokopenko – see above); argued that he was engaging in religious service, not a public event; judge concluded that he "openly demonstrated his religious beliefs in a place in which the mass presence of people may be expected, thus creating the danger of violating public order".

Appeal: unsuccessful – 8 August 2016, Primorye Regional Court

23 August

Name: Vladimir Gerasimenko

Fine: none – acquitted

Court: Magadan City Court

Situation: Hare Krishna devotee (same case as Kryukov, above (Part 2), and Kim, below) accused of unlawful picketing for distributing religious literature and playing music instruments outside a shop in central Madagan; police charges based on lack of notification, but judge concludes that this was not Gerasimenko's responsibility as a participant, and he did not violate any of the legal restrictions on a participant

Appeal: by police, unsuccessful – 23 September 2016, Magadan Regional Court

23 August

Name: Oleg Kim

Fine: none – acquitted

Court: Madagan City Court

Situation: Hare Krishna – same case as Gerasimenko and Kryukov (see above)

Appeal: by police, unsuccessful – 29 September 2016, Magadan Regional Court

(END)

For more background see Forum 18's surveys of the general state of freedom of religion and belief in Russia at http://www.forum18.org/Archive.php?article_id=2246, and of the dramatic decline in this freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=2215.

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://nationalgeographic.org/education/mapping/outline-map/?map=Russia>.

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