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RUSSIA: Alternatives to "extremism" charges to punish freedom of religion or belief

By Geraldine Fagan, Forum 18 (<https://www.forum18.org>)

"Extremism" accusations are not at present routinely turning into "extremism" prosecutions against members of most religious communities exercising freedom of religion or belief. (Such charges continue to be used against Jehovah's Witnesses and Muslim readers of Said Nursi's works.) But other charges continue. Taganrog's Exodus Pentecostal Church has been forced to stop drug and alcohol rehabilitation work due to alleged fire and sanitation violations. In 2010 the church it is affiliated with was given a warning for "extremism". But this does not seem to feature in the current case, although Taganrog is a focus of a key "extremism" trial against Jehovah's Witnesses. Baptists continue to be prosecuted and fined for meeting without state permission. Forum 18 News Service has found state hostility to be highly localised, with some officials supportive of Protestants exercising freedom of religion or belief. In contrast, newly emerged documents from the Jewish Autonomous Region suggest co-ordination with Moscow during local officials' preparation of an "extremism" case against Jehovah's Witnesses.

Russian state officials have accused Baptists, Hare Krishna devotees, Jews, Lutherans and Pentecostals of "extremism" in recent years, Forum 18 News Service notes. But such accusations are not at present routinely turning into "extremism" prosecutions of people exercising freedom of religion or belief, unless they are Jehovah's Witnesses or Muslim readers of theologian Said Nursi.

However, Russia has recently added to its Federal List of Extremist Materials a sermon by a Ukrainian Greek Catholic bishop who personally saved Jews from the Holocaust, and continues a criminal investigation for alleged "extremism" against a Pentecostal blogger (see F18News 25 November 2013 http://www.forum18.org/archive.php?article_id=1899).

Currently, state moves against Protestants may feature informal accusations of "extremism" and/or the involvement of Counter-"extremism" Police, but prosecution usually continues under charges other than "extremism" (see below).

This situation is highly localised, with some officials supportive of Protestants exercising freedom of religion or belief and others hostile, Forum 18 finds. But newly emerged documents concerning Jehovah's Witnesses also suggest co-ordination with Moscow during local officials' preparation of an "extremism" case (see below).

Pentecostals on trial

In the Black Sea coastal town of Taganrog (Rostov Region), a court case against Exodus Pentecostal Church has forced the congregation to stop its rehabilitation work with drug addicts and alcoholics due to alleged fire and sanitation violations, Forum 18 has learnt. While it is unclear whether accusations of "extremism" are a factor in this case, Taganrog is also the focus of a key "extremism" trial against Jehovah's Witnesses (see below).

The Taganrog Pentecostal congregation is affiliated to Exodus Pentecostal Church in the regional capital, Rostov-on-Don. In 2010 prosecutors inspecting the Rostov-on-Don church found religious literature containing "a sharply negative evaluation" of Judaism and Islam and "direct and hidden" pejorative statements about Freemasons, Rostov Regional Public Prosecutor's Office reported in May 2010. This resulted in an "extremism" warning to Eduard Deremov, leader of the Southern Diocese of the nationwide Pentecostal Union headed by Sergei Ryakhovsky.

The civil case at nearby Neklinovsky District Court was filed by the District's prosecutor on 13 May, the Court's website states, and hearings led by Judge Vitaly Shport began on 3 July. While the website gives no details of the charges against the Church, a cached web page on the sudrf.ru Russian court domain features the timetable for cases at the Court from 7 to 11 October. This confirms the "nature of the case" of Judge Shport's 10 October hearing against Exodus Pentecostal Church as "on prohibiting the carrying out of rehabilitational activity".

Has case really ended?

Proceedings against the Taganrog church and local members Yevgeni Lozin, Mikhail Potapov, and Aleksei Ryabov ended at

Neklinovsky District Court on 21 November, Rostov Regional Public Prosecutor's Office announced on 28 November. Prosecutors withdrew their suit after learning that the church had ended its rehabilitational work voluntarily after being charged, the Prosecutor's Office explained.

But as of 30 November, the Court's website gives no indication that the trial has ended. The most recent update to records of the case states only that the last hearing took place on 21 November.

On calling Neklinovsky District Court on 20 November, Forum 18 was directed to a spokesperson for Judge Shport. Asked about the case against Exodus Pentecostal Church, she declined to answer on the grounds that she was not authorised to divulge such information.

Audibly anxious, a spokesperson for Taganrog's Exodus Pentecostal Church declined to comment on the case to Forum 18 on 30 November. Despite the report that the trial has ended, the spokesperson explained, a court ruling is still expected. The spokesperson told Forum 18 on 20 November that until the court rules, "information about that case may not be made public, otherwise I would be violating certain laws prescribed by our state."

Usually unsuccessfully, courts sometimes attempt to close down Protestant churches for "unlawful" activity in social spheres such as education or drug rehabilitation, Forum 18 notes (see Forum 18's Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1722).

Currently facing charges of "unlawful" educational activity in St Petersburg's Red Guard District Court, for example, is that city's Harvest Pentecostal Church. The most recent hearing in the case was adjourned on 14 November, according to the court's website.

Baptist precedent

State officials have sometimes accused Baptists, Hare Krishna devotees, Jews, Lutherans and Pentecostals of "extremism" in recent years (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=1724).

In September 2009, Baptists detained while preaching in public in the Russian exclave of Kaliningrad told Forum 18 that police informally accused them of being "extremists". They were instead fined for organising/conducting a public event without notifying the authorities, however (Code of Administrative Violations, Article 20.2) (see F18News 2 October 2009 http://www.forum18.org/archive.php?article_id=1358).

The preachers belonged to the Council of Churches Baptists, a group formed in 1961 in response to tightening Soviet controls on religious communities and who refuse to seek state permission to meet for worship. This is their right under Russia's international human rights commitments, which ban making the exercise of human rights dependent on state permission.

These Baptists and other Protestant have typically been prosecuted under Article 20.2 - punishments for which were toughened substantially in June 2012 (see eg. F18News 13 September 2012 http://www.forum18.org/archive.php?article_id=1742). On 8 November 2013 Buzuluk District Court (Orenburg Region) fined Aleksandr Bannykh 20,000 Roubles (3,700 Norwegian Kroner, 440 Euros, or 600 US Dollars), Council of Churches Baptists stated on 16 November.

Bannykh – who is seeking to appeal against the fine - was one of a group of local people who preached, distributed New Testaments and held open-air public worship in the town of Buzuluk over several days in April-May. "As I am a sincere Christian (..), the Holy Bible is the principal guide in my life," he explained in the Baptists' statement. "In it is written, 'Go into all the world and preach the Gospel' [Mark 16:15]."

The fine is the latest indication that the authorities remain reluctant to interpret this law leniently. Supporters of freedom of religion or belief had hoped it would be leniently interpreted following a December 2012 Constitutional Court ruling in response to two complaints from Jehovah's Witnesses (see F18News 15 August 2013 http://www.forum18.org/archive.php?article_id=1865).

Instead, draft amendments to the 1997 Religion Law continue to insist upon state permission for "religious gatherings held openly in conditions requiring measures to safeguard public order and the safety of both participants in the religious event and other citizens" (see F18News 15 August 2013 http://www.forum18.org/archive.php?article_id=1865). These amendments passed their first reading at Russia's Duma (parliament) on 15 November, according to its website.

Hare Krishna precedents

In May 2010 Counter-"extremism" Police monitoring a park in Smolensk detained "persons conducting an event (..) dedicated to the worship of Hare-Krishna (..) with singing and musical accompaniment to the beat of a tambourine" (see F18News 26 July 2010 http://www.forum18.org/archive.php?article_id=1469).

In 2012, a Public Prosecutor in Tomsk Region narrowly failed to ban as "extremist" the Russian translation of "The Bhagavad-gita

As It Is", a key text for Krishna devotees (see F18News 21 March 2012 http://www.forum18.org/archive.php?article_id=1682).

Jewish precedents

In 2005, petitioners including 19 Duma parliamentarians unsuccessfully appealed to Russia's General Prosecutor to ban all Jewish organisations as "extremist" on the basis of allegedly extremist sentiments in the sixteenth-century Shulkhan Arukh Jewish law code. In 2006, a police Counter-"extremism" advisory circulating in Voronezh Region described Hassidic Judaism as a "totalitarian sect", Portal-Credo.ru reported.

So far, however, such incidents have been atypical. Also rare, recent state obstruction experienced by Jews has not referenced "extremism": Aleksandr Feigin, formerly rabbi at Moscow's Memorial Synagogue, was deported to Israel without explanation after landing at Moscow's Sheremetyevo Airport on 17 October, according to his blog the following day.

Israeli citizen Uri Fainshtein – a practising Jew but not a rabbi – was similarly stopped at airports for approximately half an hour without explanation on each of the three most recent occasions he flew to Russia in 2013, he told Forum 18 on 20 November. He was not barred from entering the country, however. Fainshtein believes the border problems arose from "religious and national reasons" and his resemblance to the stereotype of Islamist militants.

The 2005 deportation of Moscow's Chief Rabbi Pinchas Goldschmidt suggested that such cases might be linked to internal disagreements within the Jewish community. Goldschmidt went on to receive Russian citizenship in 2010 (see F18News 6 October 2005 http://www.forum18.org/archive.php?article_id=668).

A Pentecostal preacher, Olga Ledyayeva was recently deported to Latvia without explanation after landing at Moscow's Vnukovo Airport, her husband Aleksei Ledyayev – who leads Riga's New Generation Pentecostal Church – blogged on 5 November. Pastor Ledyayev was deported in 2002 (see F18News 7 September 2005 http://www.forum18.org/archive.php?article_id=644).

Lutheran precedent

In February 2010, police with automatic weapons and dogs raided the Sunday meeting for worship of a Lutheran congregation in the town of Kaluga in search of "extremist" literature. After this experience the preacher in the service wrote an article on "How to behave during raids" (see F18News 23 March 2010 http://www.forum18.org/archive.php?article_id=1425).

The Kaluga Lutheran congregation – and other local religious communities – have been excluded from official public recognition. Despite a written request from the Lutheran pastor – seen by Forum 18 – that he, five other Protestants and a Muslim be allowed to participate in a July 2013 round table on freedom of religion or belief at Kaluga's regional parliament, the request was ignored. Only representatives of the Russian Orthodox Church (Moscow Patriarchate) were allowed in, Regnum news agency reported.

A 22-28 July timetable on the website of Kaluga Regional Administration confirms the parliament's hosting of the round table in conjunction with the local [Orthodox] diocese.

Such official hostility can have a practical impact. In Nizhny Novgorod Region, officials refused to allow Jehovah's Witness to meet for worship in June after consultation with the local Russian Orthodox diocese (see F18News 10 July 2013 http://www.forum18.org/archive.php?article_id=1856).

Pentecostal precedent

During 2010 in the Far Eastern city of Blagoveshchensk, prosecutors unsuccessfully tried to prosecute New Generation Pentecostal Church for "unlawful" publishing, commercial and educational activity. A fourth suit – also unsuccessful – tried to ban New Generation's distribution of Christian DVDs on the grounds that they could harm people's mental health. Seen by Forum 18, this fourth, 17 August 2010 suit notes that local Counter-"extremism" Police took part in inspections of New Generation Church.

Moscow-based lawyer Vladimir Ryakhovsky of the Slavic Centre for Law and Justice was involved in legally defending New Generation. He told Forum 18 at a Moscow round table in late 2010 that a Blagoveshchensk official – whom he declined to identify – had boasted to him that it would be the first case in Russia where a Pentecostal organisation would be declared "extremist".

Localised hostility

Forum 18 has found state hostility towards Protestants to be highly localised, with some officials supportive of Protestants exercising freedom of religion or belief and others opposed.

In the Siberian republic of Khakassia, Glorification Pentecostal Church and the local Evangelical Lutheran Mission came under pressure from regional religious affairs official Nikolai Volkov from the late 1990s. Glorification Church was forced to demolish its own worship building in June 2007 (see F18News 30 October 2007 http://www.forum18.org/archive.php?article_id=1040).

Under current Khakassia religious affairs official Boris Kicheyev, however, Lutherans and Pentecostals have encountered no serious obstruction, Pastor Pavel Zayakin of the Lutheran Mission and Pastor Aleksandr Prus of Glorification Church separately confirmed to Forum 18 on 10 September in the republican capital, Abakan.

Protestants are "citizens of our republic, our people," Kicheyev explained to Forum 18 in Abakan on 12 September. "If they believe in their own way, that is their business." In the harsh Siberian climate, he maintained, people identify with shared physical experience rather than religious affiliation. "It's not whether you are Protestant or Orthodox, but the fact that you live in the same town, breathe the same air."

In neighbouring Krasnoyarsk Region, Forum 18 encountered a similarly positive official attitude towards Protestants exercising freedom of religion or belief. Pastor Vladimir Ashayev of Christian Life Pentecostal Church told Forum 18 in Krasnoyarsk on 18 September that they have never been accused of "extremism". "It may be very difficult in other regions, but here in Krasnoyarsk Region it's basically OK, and there's co-operation on many issues," he commented.

Regional religious affairs official Rashit Rafikov praised many of the social projects offered by Pastor Ashayev as examples of such co-operation. Currently, he told Forum 18 on 20 September in Krasnoyarsk, ongoing Protestant initiatives supported by the regional administration include: rehabilitation of alcoholics and drug addicts; drug prevention in schools; hospital and prison work; material assistance to indigenous peoples in the Arctic North; feeding the homeless.

Criminal investigation against Muslim lawyer

Even within Krasnoyarsk, however, Forum 18 found strikingly different attitudes among officials towards people already routinely targeted as religious "extremists" – Jehovah's Witnesses and readers of Islamic theologian Said Nursi (see F18News 25 October 2013 http://www.forum18.org/archive.php?article_id=1890).

Krasnoyarsk Muslim Yelena Gerasimova received notification on 12 November that a criminal "extremism" investigation was opened against her on 5 November in conjunction with that previously opened against another Muslim woman, Gerasimova told Forum 18 on 13 November. Both women are accused of organising study of banned "extremist" works by Muslim theologian Said Nursi in a "cell" of banned "extremist" organisation "Nurdzhular" (see F18News 5 March 2013 http://www.forum18.org/archive.php?article_id=1811).

Also on 12 November, the Main Investigative Department of Krasnoyarsk Regional Investigative Committee announced on its website that it had opened a criminal investigation against a female lawyer suspected of "organising the activity of an extremist organisation" (Criminal Code Article 282.2, Part 1). Neither the woman nor the organisation are named in the statement, but details given of the "cell" and its activity match the details provided to Forum 18 by Gerasimova, who is a lawyer.

Law enforcement agents raided the apartments of Gerasimova and the second woman – who has not been named - on this year's 8 August end-of-Ramadan festival Eid-ul-Fitr. Gerasimova strongly denies the charges. Law enforcement representatives have refused to discuss the investigation with Forum 18 (see F18News 21 October 2013 http://www.forum18.org/archive.php?article_id=1888).

Gerasimova's husband Aleksei is one of four Krasnoyarsk Muslims tried for alleged involvement in "Nurdzhular" – which Nursi readers insist does not exist - until prosecutors ran out of time and dropped the case in early 2012 (see F18News 5 March 2012 http://www.forum18.org/archive.php?article_id=1675).

Muslim and Jehovah's Witness "extremism" cases continue

The most recent hearing at Naberezhnyye Chelny City Court (Tatarstan Republic) against Muslim readers of Nursi's works Ilnur Khafizov and Fidail Salimzyanov took place on 14 November, according to the court's website. The pair also face charges under Article 282.2, Part 1 as alleged organisers of "Nurdzhular". Officials have confirmed technical details of the case to Forum 18 but refused to discuss it (see F18News 21 October 2013 http://www.forum18.org/archive.php?article_id=1888).

On 15 November a Muslim friend of the accused informed Forum 18 that prosecutors requested an 18-month suspended sentence for Khafizov and a one-year suspended sentence for Salimzyanov at the 14 November hearing. The next hearing is scheduled for 20 December.

In the Black Sea coastal town of Taganrog, the long-running criminal trial continues of 16 Jehovah's Witnesses accused of involvement in a banned "extremist" organisation – the local Jehovah's Witness community. The latest hearings at Taganrog Municipal Court took place on 25, 26 and 27 November, according to the court's website (see F18News 21 October 2013 http://www.forum18.org/archive.php?article_id=1888).

On 28 October five more Taganrog Jehovah's Witnesses – including pensioners Vladimir and Svetlana Chesnokov – were charged with "organising the activity of an extremist organisation" (Criminal Code Article 282.2), Jehovah's Witnesses reported. As with the

ongoing trial, the investigation is being led by Police Investigator Ivan Bondarenko, who has declined to discuss his actions with Forum 18 (see F18News 2 January 2013 http://www.forum18.org/archive.php?article_id=1786).

Appeal hearings have yet to begin against the "extremist" ruling banning Elmir Kuliyeu's translation of the Koran into Russian, issued by October District Court in Novorossiisk (Krasnodar Region) on 17 September. The ruling has not yet entered force (see F18News 27 September 2013 http://www.forum18.org/archive.php?article_id=1879).

October District Court has accepted three appeal applications from lawyer Ravil Tugushev, translator Kuliyeu, and Mufti Askarbi Kardanov of Krasnodar Region and Adygeya, according to the Court's website. The website does not state when this took place. The first appeal hearing at Krasnodar Regional Court is scheduled for 17 December, according to Tugushev's blog.

Central co-ordination

Newly emerged documents from Birobidzhan, the capital of Russia's Far Eastern Jewish Autonomous Region, seen by Forum 18, suggest co-ordination with Moscow during local officials' preparation of an "extremism" case.

A 30 October 2012 letter from the regional FSB security service asks Birobidzhan City Public Prosecutor Vyacheslav Shaibekov to rule "extremist" the Jehovah's Witness brochure "Good News from God!", found by its officers "in the process of combating religious extremism" at the Witnesses' place of worship.

A 6 May 2013 letter from Birobidzhan City Public Prosecutor's Office asks Regional Public Prosecutor Lidia Dyakanova to approve a corresponding suit.

A 29 May letter to City Prosecutor Shaibekov from Birobidzhan Regional Public Prosecutor's Office declares that the General Public Prosecutor's Office in Moscow has approved the suit, subject to several technical corrections. "The materials are being returned to you to prepare for filing to court," the letter adds.

The suit was filed with Birobidzhan District Court on 21 June, according to the court's website. Judge Olga Kazakova ruled "Good News from God!" "extremist" on 19 August. The brochure had not been added to the Federal List as of 2 December.

Internal government documents have previously revealed that moves against Jehovah's Witnesses and Muslim readers of Nursi's works are co-ordinated at a high state level. Both Jehovah's Witnesses and Nursi readers have been targeted in ways that suggest that their believers and communities are closely watched by the police and FSB security service - both within and outside their communities (see F18News 12 August 2010 http://www.forum18.org/Archive.php?article_id=1478). (END)

For more background, see Forum 18's surveys of the general state of religious freedom in Russia at http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

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.

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