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RUSSIA: Further fines for religious literature

By Victoria Arnold, Forum 18 (<https://www.forum18.org>)

In the four months up till the end of August, Forum 18 News Service identified 18 individuals or organisations in 15 different regions of Russia facing administrative punishment for possessing religious literature which appears not to incite violence or hatred. All but two were eventually fined. Jehovah's Witness Aleksandr Yevdoshenko was fined in Krasnoyarsk after a man claimed to have been given an "extremist" booklet at a religious meeting, even though fellow Jehovah's Witnesses say no "available evidence" exists that the man who brought the complaint to police was present. The man claimed on his party website he "simply went to the police station and wrote a statement", which the police received "with enthusiasm". According to court documents seen by Forum 18, searches of Jehovah's Witnesses' homes, vehicles and workplaces tend to be prompted by complaints from members of the public. Inspections of mosques and Muslim shops are more often carried out to monitor "compliance with the law on extremist activity", according to prosecutors.

Russia's Muslims and Jehovah's Witnesses continue to be targeted by operations aimed at combating "extremism", Forum 18 News Service notes. Seizures of religious literature, mostly during raids or detentions, frequently result in prosecutions under Article 20.29 of the Code of Administrative Offences ("Production or distribution of extremist materials"). These are based on the possession of literature which has been ruled "extremist" by courts and thereby prohibited from distribution in the Russian Federation.

Forum 18 has identified 18 such cases in 15 different regions of Russia in the four months between late April and the end of August 2014 where individuals or organisations were punished for possessing religious literature which appears not to incite violence or hatred.

Chechnya, the Sakha Republic (Yakutia), and Primorsky Region of the Far East have each seen two cases, with one each in Samara, Chelyabinsk, Krasnoyarsk, Krasnodar, Ulyanovsk, Tyumen, and Smolensk regions, the Jewish Autonomous Region, and the Republic of Mordovia. All but one have led to convictions and fines, with only one other verdict overturned on appeal.

Religious literature may be confiscated by police, prosecutor's office officials, or the FSB security service during inspections of residential or business premises belonging to religious believers, Forum 18 notes.

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Fines or imprisonment

Seizures of religious literature from both Muslims and Jehovah's Witnesses, mostly during raids or detentions, frequently result in prosecutions under Administrative Code Article 20.29. This punishes "Production or distribution of extremist materials" recorded on the Federal List of Extremist Materials with a fine or imprisonment of up to 15 days and confiscation of the banned literature. Under this Article, the "mass distribution" of items on the Federal List, as well as their "production or possession for the purposes of mass distribution" is banned. Despite the term "mass distribution", prosecutors have often brought charges even if only one copy of a text is discovered. Court decisions usually order "extremist" materials to be confiscated and often destroyed (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=1724).

Russian translations of texts which do not advocate the violation of any human right, such as the Risale-i Nur (Messages of Light) collection of the late Turkish theologian Said Nursi, are listed as "extremist" alongside items promoting racism, violence and xenophobia.

If convicted, individuals receive a fine of 1,000 to 3,000 Roubles or detention for up to 15 days. (1,000 Roubles is 170 Norwegian Kroner, 20 Euros or 25 US Dollars.) Fines for officials range from 2,000 to 5,000 Roubles.

Organisations (commercial concerns, religious associations) may be fined 50,000 to 100,000 Roubles (between nine and 18 times the monthly minimum wage as of 1 January 2014). They may also be prohibited from operating for a period of up to 90 days. Court

decisions usually order "extremist" materials to be confiscated and often destroyed.

Forum 18 sent an official request for information about items on the Federal List to the Justice Ministry in Moscow before the start of the working day in Moscow on 2 September. In it, Forum 18 asked whether it is right that people should be punished for possession of texts which do not incite hatred or the violation of human rights in other ways, and whether the prosecution of such cases is a sensible use of police and prosecutors' time. No reply has been received as of the end of the working day in Moscow on 8 September.

"False accusation" in Krasnoyarsk

On 11 September, the second appeal of Jehovah's Witness Aleksandr Yevdoshenko against his conviction for mass distribution of "extremist" literature will be heard, a spokeswoman for Krasnoyarsk Regional Court told Forum 18 on 8 September. He was charged after a man who allegedly attended a worship service on 18 May reported to the police that Yevdoshenko had passed him a copy of "What does the Bible really teach?" (banned in two different editions by Rostov Regional Court on 11 September 2009 and Krasnoyarsk's Soviet District Court on 14 February 2013).

The man was Ivan Nagovitsyn, chair of the Krasnoyarsk Rodina party's "Committee for Rehabilitating Victims of Sects". Rodina is a nationalist political party previously banned from elections for inciting racial hatred. On the party's website, Nagovitsyn claims that his committee "is not only engaged with the collection and analysis of information on sects in our region, but is also entering into a fight with them".

Although Jehovah's Witnesses insist that no "available evidence" confirms that Nagovitsyn was at the 18 May service, Judge Andrei Valkov found Yevdoshenko guilty at Krasnoyarsk's Soviet District Court on 27 June and fined him 2,000 Roubles. Yevdoshenko's first appeal at the Regional Court on 1 August was unsuccessful.

In his 16 July posting on the Rodina website about the 27 June court hearing, Nagovitsyn describes how he "decided to put an end to the disgrace" of Jehovah's Witnesses distributing their literature, and "simply went to the police station and wrote a statement", which the police received "with enthusiasm".

The Jehovah's Witness Administrative Centre called the case "evidence of the local administration's persistent endeavours to limit the religious freedom of Jehovah's Witnesses as guaranteed by the current legislation of the Russian Federation".

Individuals or organisations?

There appears to be little consistency in whether business owners and religious leaders found in possession of material on the Federal List are prosecuted as private individuals or as legal entities. A raid on a Muslim prayer house in Yakutia in February in fact resulted in both types of suit simultaneously.

The search by local police and anti-"extremism" officers uncovered books from Said Nursi's Risale-i Nur collection at the prayer house in Khandyga village. Prosecutors brought two separate cases to court, one against the Spiritual Centre (the Muslim religious organisation based at Yakutsk Cathedral Mosque), the other against its leader, Mufti Musa Sagov.

At Yakutsk's Magistrate's Court No. 47 on 28 May, Judge Andrei Bozhedonov fined Mufti Sagov the maximum amount for an individual (3,000 Roubles). The Spiritual Centre received a fine of 50,000 Roubles at Yakutsk City Court under Judge Lyudmila Udalova on 16 June. The latter ruling was overturned, however, as an appeal court judge found that transferring the case against the Spiritual Centre from the Magistrate's Court to the City Court meant that prosecutors had exceeded the three-month deadline for initiating proceedings.

At the Spiritual Centre's appeal hearing at the Supreme Court of the Sakha Republic on 16 July, Sagov argued that the Khandyga prayer house was not affiliated to his organisation and he was not responsible for its activities.

According to the website of the Spiritual Administration of Muslims of European Russia (DUMER) and the islamio.ru web portal's directory of Muslim religious associations, the prayer house operates autonomously as an unregistered religious group, and is not affiliated with any of the three centralised Muslim organisations present in Yakutia.

Despite this, Judge Zoya Dyankonova upheld the earlier court ruling that the confiscated books should be destroyed. They were "Foundations of Brotherhood" (banned by Koptevo District Court, Moscow, 21 May 2007) and "Tract on Nature" (banned by Central District Court, Kaliningrad, 27 September 2012).

Mufti Sagov is head of the Yakutsk Administration of Muslims, part of the Spiritual Administration of Muslims of Asian Russia (DUM AChR). He is also a member of the commission on social issues and demography of the Public Chamber of the Sakha Republic.

The telephone at Magistrate's Court No. 47 went unanswered whenever Forum 18 called on 8 September.

Shopkeepers fined for prayer book sales

Shopkeepers or stallholders were the subject of a third of the known prosecutions involving Islamic literature. They were all charged as individuals rather than as legal entities (both options are permitted), in Samara, Grozny, Kunashak village of Chelyabinsk Region, and Dimitrovgrad in Ulyanovsk Region.

All four of these cases were based on the alleged sale of Said Wahf Al-Qahtani's "Fortress of a Muslim", which does not call for the violation of any human rights. This book of prayers appears on the Federal List in three different editions, all ruled "extremist" by Lenin District Court in Orenburg on 21 March 2012.

In Samara, for example, a police "anti-extremism" operation found D. Gafurov selling "Fortress of a Muslim" for 400 Roubles in the Khalal shop at the Dalnevostochnaya street vegetable market. At Samara's Kirov District Court on 18 August, Judge Aleksandr Mokeyev concluded that "the possession and mass distribution of extremist material" had not been carried out with the intention of inciting hatred, "but for profit". Nevertheless, Gafurov was fined 2,000 Roubles.

When Forum 18 called on 5 September, a spokeswoman for Kirov District Court refused to answer any questions on the case by telephone. Forum 18 sent a written request for information that day, but had received no response by the end of the working day in Samara on 8 September.

The owner of the same Samara shop, Ruslan Kanyukayev, was fined 3,000 Roubles under Article 20.29 by the same court in April 2013. He was punished for selling copies of an-Nawawi's 13th-century collection of 40 hadiths [sayings attributed to the Islamic Prophet Mohammed] and "Gardens of the Righteous" (see F18News 15 July 2013 http://www.forum18.org/archive.php?article_id=1858).

Orenburg texts still subject of prosecutions

A total of seven of the court decisions seen by Forum 18 involved texts ruled "extremist" in Orenburg in March 2012. This ruling covered the largest quantity of religious literature banned in a single court case, prohibiting 68 texts in total and drawing condemnation from Islamic bodies, publishers and human rights groups (see F18News 30 July 2012 http://www.forum18.org/archive.php?article_id=1726).

Several appeals against the decision are still pending. After a delay caused by the destruction of 26 of the prohibited items, the repeat "expert analysis" of the remaining material, ordered in April 2013, was expected to take until late August 2013 to finish. There have been no further developments to date (see F18News 27 January 2014 http://www.forum18.org/archive.php?article_id=1920).

Nurzhit Dolubayev, the Orenburg-based lawyer for one of the publishers trying to overturn the ban, confirmed to Forum 18 on 3 September 2014 that there is still no news on when the appeal will return to court.

No acquittals, unsuccessful appeals

Twelve of the 18 cases identified by Forum 18 concern Islamic texts or videos, while the remaining six concern Jehovah's Witness literature. So far, defendants in six cases are known to have appealed.

Only one fine – imposed on the Muslim Spiritual Centre in Yakutia (see above) – has been overturned, because prosecutors took too long to bring the original suit to court. They had exceeded the maximum three-month period between detecting the "offence" and initiating legal proceedings. Another case against an individual Muslim in Vladivostok was dismissed in the first instance for the same reason.

Forum 18 found 15 convictions under Article 20.29 which took place in the first four months of 2014, of which six were appealed (only two successfully) (see F18News 1 May 2014 http://www.forum18.org/archive.php?article_id=1953). Defendants challenged rulings further in three of these appeal cases after 1 May, all without success.

In Samara, the city's Jehovah's Witnesses have suffered the enforced dissolution of their community as an "extremist" organisation, a decision driven by their conviction for "mass distribution" of extremist literature in March.

After a police raid on their rented premises uncovered "extremist" books in a locked box, they were fined 50,000 Roubles at Samara's Soviet District Court. After an unsuccessful attempt on 17 April to have the verdict overturned, they appealed again on 14 July, but this did not stave off the attempt by prosecutors to have the community declared "extremist" and liquidated in the meantime. The July appeal was similarly unsuccessful. Samara's Jehovah's Witnesses will challenge the liquidation ruling at Russia's Supreme Court on 8 October (see F18News 19 August 2014 http://www.forum18.org/archive.php?article_id=1986).

The Samara Jehovah's Witnesses case illustrates the danger that prosecutions under Article 20.29 can pose to religious communities, not only bringing heavy financial penalties but also providing ammunition for future cases against them which may result in their enforced dissolution. (END)

For more background, see Forum 18's surveys of the general state of freedom of religion or belief 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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