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CRIMEA: "Subject to action by state agencies"

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Crimea's Russian-backed head of government Sergei Aksyonov "gave people the opportunity" to hand in religious and other literature the Russian authorities regard as "extremist" during a moratorium on prosecutions which expired at the end of 2014. "Those who didn't will be subject to action by state agencies," Aksyonov's spokesperson Yekaterina Polonchuk told Forum 18 News Service. Although raids, literature seizures and administrative fines for religious books the Russian authorities regard as "extremist" seem to have reduced during the moratorium, they did not stop. A mosque leader was fined, while administrative cases against two Jehovah's Witness communities in Dzhankoi began in court during the moratorium. Muslims and librarians are particular targets of administrative fines, while an attempt to fine Simferopol's Jehovah's Witness community was sent back in November 2014.

The two and a half month moratorium on prosecutions for religious and other literature the Russian authorities regard as "extremist" – declared by Sergei Aksyonov, head of Crimea's Russian-backed government - expired at the end of 2014. "Sergei Aksyonov gave people the opportunity to hand in such literature," his spokesperson Yekaterina Polonchuk told Forum 18 News Service from the Crimean capital Simferopol on 21 January. "Those who didn't will be subject to action by state agencies." But, she added, "people don't need to fear if they abide by the law".

Forum 18 asked Polonchuk in writing the same day whether Aksyonov had issued any instructions to the Prosecutor's Office, FSB security service or the police following the end of the moratorium, and whether the widespread resumption of raids, religious literature seizures and fines should be expected. No response had arrived by the end of the working day in Simferopol on 26 January.

After numerous complaints, particularly from Crimean Tatars, Aksyonov announced the moratorium in mid-October 2014 (see F18News 29 October 2014 http://www.forum18.org/archive.php?article_id=2010).

"The question is now closed"?

Although raids, literature seizures and administrative fines for religious books the Russian authorities regard as "extremist" seem to have reduced during the moratorium, they did not stop (see below). However, now the moratorium is ended, it remains unclear if such raids, fines and confiscations will resume.

No one at Crimea's Prosecutor's Office in Simferopol was willing to discuss raids to seize such religious literature and administrative fines. Colleagues of spokesperson Natalya Boyarkina told Forum 18 on 19 January that she was out of the office attending official celebrations of Crimea's flag. Subsequent calls between then and 26 January went unanswered.

Aleksandr Selevko, head of the Religious Affairs Department at Crimea's Culture Ministry in Simferopol, declined to say if raids and fines will resume more widely now government head Aksyonov's moratorium is over. He also declined to comment on earlier raids or fines. "The authorities must have had a reason to conduct the raids," he told Forum 18 on 20 January. "I also can't comment on court decisions."

A Muslim Board spokesperson was keen to stress that the period of raids and searches on Muslim Board mosques and religious schools was over. "Such searches haven't taken place on our institutions since September 2014, nor have there been fines on our officials since then either," a Muslim Board spokesperson told Forum 18 on 20 January. "The question is now closed – thank Allah!"

Moratorium – fines reduced but didn't stop

Much of 2014 saw police, Russian FSB security service and Prosecutor's Office raids and searches across Crimea – including for religious literature banned under Russian law – in libraries, schools, political organisations, Muslim homes, mosques and madrassahs (Islamic schools), and Jehovah's Witness Kingdom Halls.

Individuals – especially Muslims and librarians – were subjected to fines under Russia's Administrative Code Article 20.29. This punishes "Production or distribution of extremist materials" from the Russian Justice Ministry's Federal List of Extremist Materials. If convicted, individuals receive up to 15 days' detention or a fine of 1,000 to 3,000 Roubles (240 to 720 Ukrainian Hryvnas, 120 to

350 Norwegian Kroner, 15 to 40 Euros or 15 to 45 US Dollars). Fines for people in an official capacity (such as individual entrepreneurs) range from 2,000 to 5,000 Roubles. The banned literature is also confiscated (see F18News 29 October 2014 http://www.forum18.org/archive.php?article_id=2010).

One fine, two further cases underway

Even while the moratorium existed, cases under Administrative Code Article 20.29 were lodged against two Jehovah's Witness communities in Dzhankoi. Both cases reached Dzhankoi District Court on 17 December 2014, where they were assigned to Judge Eduard Pikula the following day, according to court records. After several hearings in each case, the Judge ordered the cases closed in hearings on 20 January 2015. However, the prosecution has appealed against both rulings.

On 23 December 2014, Judge Vitali Mikhailov of Simferopol's Central District Court fined Ali Ibragimov 2,000 Russian Roubles under Administrative Code Article 20.29, according to the decision seen by Forum 18. Ibragimov was deemed to be the responsible person at a local mosque raided by police on 17 September 2014, during which one copy each of three Muslim books on Russia's Federal List were found and seized. The court ordered the three books confiscated.

In court Ibragimov insisted that the books were not his and that for several months around that time he had taken a break from overseeing the mosque. However, the Judge rejected his arguments. Ibragimov appealed against the fine.

Punishment to follow search and confiscation?

On 18 December 2014, searches took place in a mosque and the home of a Crimean Tatar family, the Yagyaevs, in the village of Turgenevka (Teberti in Crimean Tatar) in Bakhchisaray District. Two minibuses full of armed men and four cars arrived mid-morning to conduct the searches. Police and prosecutors claim to have been looking for weapons, drugs and religious literature, Mustafa Yagyaev told Voice of Crimea radio station the same day. After a five-hour search, police officers took religious books among other items. Turgenevka's mosque was also again searched, but no "banned" books, weapons or drugs were found there. No new case against Yagyaev appears to have reached court.

During an earlier search on the mosque, seven Muslim books deemed "extremist" in Russia were seized. Yagyaev, as head of the mosque community, was found guilty under Russian Administrative Code Article 20.29 at Bakhchisaray District Court on 29 September 2014 and fined 1,500 Russian Roubles (see F18News 29 October 2014 http://www.forum18.org/archive.php?article_id=2010).

Further "extremism" punishments

Another librarian was punished because a library under her jurisdiction contained a religious book deemed "extremist" in Russia and placed on Russia's Federal List of Extremist Materials. During an inspection for "extremist" literature in all the libraries in Kerch, prosecutors inspecting a branch library in Kapkany on the eastern side of the town discovered one copy of the book "Fundamentals of Islam" by Abua Ala Maududi, banned in Russia in 2007. They then brought an administrative case on 2 October 2014 against the head of the town's Belinsky Library and other local libraries, Lyudmila Popova, under Administrative Code Article 20.29.

Popova's written rejection of the accusation against her insisted that her work was still governed by the provisions of Ukrainian law and that the fact that the book had been on the shelf of one library had not constituted "mass distribution". However, prosecutors insisted on charging her, pointing out that the book had been borrowed six times. On 30 October 2014, Judge Inessa Grigorevskaya of Kerch Town Court found her guilty. The Judge fined Popova 2,000 Russian Roubles, according to the decision seen by Forum 18. The book was ordered confiscated.

On 18 November 2014, Judge Aleksei Nanarov of Yevpatoriya Town Court found Edem Raimov guilty under Administrative Code Article 20.29, according to court records. The Judge's assistant told Forum 18 on 19 January 2015 that Raimov had been fined 1,000 Russian Roubles for possession of one Muslim book on Russia's Federal List. He did not appeal against the fine.

Several other individuals were punished by courts in Crimea in November and December 2014 under Administrative Code 20.29. However, Forum 18 has been unable to establish whether these individuals were brought to court for possessing religious literature or for possessing racist or violent material.

Case dismissed

By contrast, Natalya Chigrina, a lecturer in the Philosophy Faculty of the Simferopol-based Tavrida Vernadsky National University and director of the university library, escaped punishment for two Muslim books on Russia's Federal List. The two books – "Life of the Prophet Muhammad" by Ibn Hisham, an early 9th century Muslim writer, and "Gardens of the Righteous" – were found during a raid on the library.

An administrative case against Chigrina under Article 20.29 was handed to Simferopol's Kiev District Court on 15 October 2014.

However, she protested her innocence of any intention to store and distribute these two books. She and several colleagues summoned as witnesses insisted that in the ten years that the books (received as gifts) had been in the closed section of the library they had not once been handed to a reader or displayed. On 27 November 2014, at the end of the fourth hearing in the case, Judge Viktor Kozlenko dismissed the case against her, according to the decision seen by Forum 18. The decision did not say what would happen to the two confiscated books.

Fine overturned

Imam Savri Seidametov, who leads prayers at the mosque in the village of Bogatyr in Bakhchisaray District, succeeded in overturning a fine for possessing one Muslim book deemed by Russia "extremist". On 20 November 2014, Judge Yuri Dedeyev of Crimea's Supreme Court cancelled the fine, deeming the presence of "just one single book" to be an "insignificant offence". He chose instead to issue Seidametov with a "verbal admonition", according to the decision seen by Forum 18.

On 16 October 2014, Bakhchisaray District Court had fined imam Seidametov 1,000 Russian Roubles under Article 20.29, according to court records. Seidametov was fined for having two religious books in his mosque when it was raided on 24 September. However, only one is on Russia's Federal List: "A Word on Unity", which had been declared "extremist" in 2007. The book was ordered confiscated (see F18News 29 October 2014 http://www.forum18.org/archive.php?article_id=2010).

Vitaly Ponomarev of the Moscow-based Memorial human rights organisation – who attended the October 2014 hearing – said the deficiencies over legality and the substantiation of accusations as the case proceeded left him with a "very vivid impression".

Ponomarev noted to the Crimean Human Rights Field Mission that "no-one tried to establish who the building where the forbidden literature was found belonged to. No proof was presented that the book belonged to the person who was fined." He stressed that only one of the two books seized had been banned in Russia, and even then, the court did not establish that the book was the same as the one on Russia's Federal List, merely that it had the same title. "The court decision said that the imam of the mosque had been involved not only in storing but also in the mass distribution of extremist literature, even though no proof was established that anyone had read this book."

Ponomarev also pointed out that Imam Seidametov had told the court that he only leads prayers and is not responsible for maintaining the mosque and is not constantly present at the mosque. "The court ignored all these arguments," Ponomarev lamented.

New case being prepared against Jehovah's Witnesses?

Meanwhile, on 27 October 2014, an administrative case against Jehovah's Witnesses in Simferopol reached the city's Central District Court. A record of an offence had been drawn up against the community under Administrative Code Article 20.29. However, on 20 November 2014, Judge Olga Andreyeva sent back the case as the record of an offence had been drawn up incorrectly, according to court records. The case does not appear to have returned to court.

Crimea's new Religion Law

Crimea's Russian rulers have promised over several months to adopt a Crimean law to control religious activity. On 15 October 2014, head of government Aksyonov presented to the State Council a draft law "on freedom of conscience, religious associations and the prevention of religious extremism". In his explanatory note to the draft – both of which were made public on 16 October 2014 on the State Council website – he claimed that the law would "secure the equality of all traditional religious confessions, the constitutional right of citizens to freedom of conscience and religion, as well as public security".

Aksyonov did not explain why preventing religious "extremism" was included in the same draft law as ensuring freedom of conscience. Nor did he explain what constitutes a "traditional religious confession" and whether what he regards as "non-traditional" religious communities should therefore have fewer or no rights.

The proposed law would particularly have imposed restrictions on "missionary activity", allowing only "missionaries" approved by registered religious organisations and using literature published by named registered religious organisations. Indeed, the proposed law would have made it impossible for anyone apart from registered religious organisations to produce literature and items for use in religious services. It remains unclear if this would have banned anyone else from producing other sorts of religious literature or items.

However, State Council deputies rejected the draft law on its first reading on 5 December 2014 and sent it back, krymedia.ru noted the same day. Deputies argued that regulating religious organisations and preventing extremism should be handled in separate laws.

That day the State Council's Culture Committee formed a Working Group with nine members – including one of Crimea's Deputy Muftis, Ayder Ismailov, and Fr Ioann Pristinsky, Head of the Orthodox Simferopol and Crimea Diocese's Legal Department. A deadline of 15 April 2015 was set for the Working Group to present a completed draft to the Committee, the State Council website noted on 5 December 2014.

Asked why Crimea needs its own Religion Law, Selevko of the Culture Ministry's Religious Affairs Department claimed to Forum 18 that such a Law would "make life easier for religious communities here". He said the draft now being prepared will be completely new, and will include provisions to make it similar to the provisions of the Ukrainian law. Asked whether the restrictions on religious publishing and "missionary" activity in rejected government draft are likely to remain, he insisted they would not. (END)

Reports on freedom of thought, conscience and belief in Crimea can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=86>.

Reports and analyses on freedom of thought, conscience and belief in Russia within its internationally-recognised territory can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=10>.

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