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RUSSIA: Increased fines for "extremist" texts, one jailing so far in 2015

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

Organisations in Russia - including religious communities - charged with distributing banned "extremist" texts face sharply increased fines after May changes to Article 20.29 of the Administrative Code. Confiscations of religious texts from both Muslims and Jehovah's Witnesses, mostly during raids or detentions, frequently result in prosecutions of people, Forum 18 News Service notes. Convictions have led to liquidation, or threats of liquidation, against Jehovah's Witness or Muslim communities they belong to. This has most recently happened in April, after a Jehovah's Witness was convicted of distributing texts on the street. Tikhoretsk Inter-District Prosecutor's Office warned the local Jehovah's Witness congregation about the "inadmissibility of extremist activity" and stated that if it is not heeded "the question of liquidating the above organisation may be considered". In March a Perm Region resident was jailed for five days for posting a banned video on the VKontakte social network, entitled "The Wonders of the Koran". Other recent convictions have taken place after the Islamic texts concerned have been ordered to be taken off the Federal List.

Organisations in Russia - including religious communities - charged with distributing banned "extremist" texts face sharply increased fines after President Vladimir Putin on 2 May signed into law amendments to Article 20.29 of the Code of Administrative Offences. This 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". Confiscations of religious texts from both Muslims and Jehovah's Witnesses, mostly during raids or detentions, frequently result in prosecutions under Article 20.29, Forum 18 News Service notes.

If an item is on the Federal List, possession of it carries the risk of a fine or imprisonment for up to 15 days, and confiscation of the banned literature. The Federal List now runs to over 2,500 items, often does not include full bibliographical details, and is irregularly updated, making it difficult for anyone to keep abreast of recent bans (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=1724).

Courts continue to rule texts "extremist", opening the way for more prosecutions for their possession or "mass distribution". These include the Google Translate Russian version of a collection of sayings of the Islamic prophet Mohammed, a video commenting on the attempted seizure by bailiffs of saints' relics from the Russian Orthodox Autonomous Church, and Jehovah's Witness texts (see F18News 20 March 2015 http://www.forum18.org/archive.php?article_id=2049).

Despite Article 20.29 ("Production or mass distribution of extremist materials") using 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).

Convictions of individuals under Article 20.29 have led to liquidation or threats of liquidation against Jehovah's Witness or Muslim communities they belong to. If members of "liquidated" communities continue to meet they can be prosecuted (see below).

Other freedom of religion or belief obstacles

The possession of allegedly "extremist" texts is not the only obstacle to exercising freedom of religion or belief. Communities face barriers to holding public events. Baptist pastor Pavel Pilipchuk was imprisoned for five days in Orel in mid-April for refusing to pay a fine for allegedly organising an open-air meeting for worship without informing the city administration beforehand (see F18News 1 May 2015 http://www.forum18.org/archive.php?article_id=2059).

In February 2014 lengthened terms of imprisonment under Criminal Code Article 282.2, Part 1 were brought in. In March 2015 a Muslim from Ulyanovsk, Bagir Kazikhanov, was sentenced to three and a half years' imprisonment for "organisation of an extremist organisation". He is the first known person to be sentenced under the new Article (see F18News 6 March 2015 http://www.forum18.org/archive.php?article_id=2046).

Massive fine increases

The amendments to the Administrative Code, which President Putin signed into law on 2 May, came into force on their official publication on 6 May.

The minimum fine under Article 20.29 for "juridical persons" (which include commercial, publishing, media and registered religious organisations) has been doubled to 100,000 Roubles (about 15,000 Norwegian Kroner, 1,780 Euros, or 2,050 US Dollars). The maximum fine has been raised by 10 times the previous amount to 1 million Roubles (about 150,000 Norwegian Kroner, 17,800 Euros, or 20,500 US Dollars).

The increases are part of a number of legal changes proposed by the Communications Ministry in December 2014, which introduce specific charges for media outlets accused of inciting "extremism" and harshen existing punishments for related offences.

The May changes have not increased fines for individuals or officials. If convicted, individuals continue to face a fine of between 1,000 and 3,000 Roubles (about 150 to 450 Norwegian Kroner, 18 to 55 Euros, or 21 to 61 US Dollars), or up to 15 days' imprisonment. Fines for people acting in an official capacity (including individuals such as bookshop owners) range from 2,000 to 5,000 Roubles (about 300 to 750 Norwegian Kroner, 36 to 90 Euros, or 41 to 102 US Dollars).

19 prosecutions so far in 2015

Between the beginning of January and the end of April 2015 there were 19 known prosecutions under Article 20.29 for belief-related materials which do not appear to incite hatred or violence, deriving from 13 separate police cases or investigations. All but one resulted in fines, with no acquittals and no known appeals so far. All 19 cases were concluded before the new penalties came into force. Organisations may also be prohibited from operating for a period of up to 90 days.

In 10 of the 19 known prosecutions (six related to Muslim literature, four to Jehovah's Witness literature), judges ordered the destruction of the confiscated religious materials, Forum 18 notes.

A growing number of Article 20.29 prosecutions relate to online texts or videos. Law enforcement monitoring is increasingly being carried out online, targeting the sharing of videos and electronic documents on social media, principally the popular Russian VKontakte site. Four known cases in the first four months of 2015 related to religious materials.

One Article 20.29 jailing so far in 2015

One of the 19 known prosecutions resulted in a resident of Perm Region being sentenced to five days' imprisonment. This is the first known instance in 2015 of a jailing under Article 20.29 for distribution of allegedly "extremist" religious material. No such jailings took place in 2014 (see F18News 31 March 2015 http://www.forum18.org/archive.php?article_id=2052).

On 26 March Judge Yekaterina Malysheva of Kungur City Court sentenced Yevgeny Menshenin to five days' imprisonment for posting a video on his profile page on the VKontakte social network. The film "The Wonders of the Koran" was banned by Nefteyugansk City Court in Tyumen Region on 7 April 2011.

On 24 April 2014 Rail Ganiyev in the Mari El Republic was fined 3,000 Roubles for posting the video to his VKontakte page, one of 65 individuals and religious communities known to have been prosecuted under Article 20.29 in 2014 (see F18News 31 March 2015 http://www.forum18.org/archive.php?article_id=2052). The video does not appear to contain any incitement to violence or hatred.

According to the March 2015 Kungur City Court verdict, seen by Forum 18, Menshenin argued that he had not known that the video was deemed "extremist" and had not watched it himself. The judge, however, considered that "placement on one's page of extremist materials banned by the law, if other persons have access to it, should be considered actual distribution by the user of information of an extremist nature".

The judge imposed a sentence of five days' imprisonment "given the nature and degree of public danger of the administrative offence, the circumstances of the offence, and the personality of the perpetrator", and obliged Menshenin to delete the video from his profile.

So far in 2015 two other residents of Perm Region have been convicted of distributing "The Wonders of the Koran", on 2 March and 27 March respectively. One was fined 1,500 Roubles, the other an unknown amount. One was also sentenced by Judge Malysheva at Kungur City Court, the day after Menshenin.

Judge Malysheva said she could not discuss the case when Forum 18 reached her on 13 May. Prosecutor Yuliya Lobanova, who was present in court, similarly would not answer the question of why Menshenin was imprisoned when others convicted of the same offence were not. She directed Forum 18 to the press office of the Regional Prosecutor. This number went unanswered whenever Forum 18 called on 13 and 14 May.

Fined although materials no longer deemed "extremist"

Two of the 19 prosecutions in January-April 2015 involved materials which were at the same time not deemed "extremist" under Russian law. An imam from Penza Region and a librarian in Tatarstan were convicted in March of mass distribution of texts unbanned by an Orenburg Regional Court ruling on 27 February, which came into force on the day of its adoption.

After repeated delays since June 2012, repeated "expert analysis", and the destruction of their own evidence by law enforcement agencies, Orenburg Regional Court overturned a widely condemned "extremism" ban on 50 texts from a total of 65 Islamic books, one issue of the Muslim journal "Novie Grani" (New Boundaries), and two short articles. Eighteen Islamic books from the 68 texts nevertheless continued to be deemed "extremist" and prohibited from distribution. On the day of the verdict (27 February) lawyers in the case thought the entire process of removing the 50 texts from the Federal List could take up to two months (see F18News 20 March 2015 http://www.forum18.org/archive.php?article_id=2049).

The 50 unbanned titles have still not (as of 15 May) been removed from the Federal List of Extremist Materials on the Justice Ministry's website, despite the court ruling entering force immediately.

On 5 March Anna Vilchinskaya, director of Rybnaya Sloboda village library, was fined an unknown amount for the presence in her library's religion section of a single copy of "Pillars of Islam and Faith", by Muhammad bin Jamil Zeno (banned by Pervomaysky District Court, Vladivostok on 6 March 2012), and two copies of "Stories from the Life of the Prophet of Allah", Book 2 of the "Religious Narrative" series compiled by Abdel Hamid Dzhuda Al-Sahhar. The latter text was unbanned by Orenburg Regional Court on 27 February, the same day Vilchinskaya's case was brought to court. Judge Nurtdin Zamaliyev fined her and the fine would have been between 2,000 and 5,000 Roubles as she is an official. The books were ordered confiscated.

Vilchinskaya admitted negligence in monitoring the library's stock and did not appeal. The verdict entered legal force on 17 March.

When Forum 18 telephoned Rybnaya Sloboda District Prosecutor's Office on 12 May and mentioned the case to a spokeswoman, she immediately ended the call.

A full month – on 27 March – after "Constellation of the Righteous Caliphs" by contemporary Istanbul Naqshbandi Sufi teacher Osman Nuri Topbas was unbanned by Orenburg Regional Court, Imam Shamil Neverov was brought to Spassk District Court in Penza Region. The case was brought after a police inspection found one copy of the book in the library of his mosque in Nizhny Lomov. At the hearing on 30 March, Judge Yury Kamynin also ordered the destruction of the book and Imam Neverov was fined 2,000 Roubles.

Neverov also did not appeal against his conviction, and the ruling came into force on 17 April. Forum 18 called Spassk District Court on 12 May but the phone was immediately put down.

Orenburg unbanning possibly taking effect

The 27 February Orenburg ruling may be having an effect on whether cases under Article 20.29 are brought. The first four months of 2015 saw nine prosecutions concerning these texts out of a total of 19. Only the two Penza and Tatarstan cases (see above) took place after the Orenburg ruling came into force. Five of these prosecutions were based on the same investigation in Kunashak in Chelyabinsk Region, involving a group of men who shared the same set of books among themselves.

In the previous four months (September to December 2014), there were 11 separate cases involving materials banned in Orenburg out of a total of 18. For 2014 as a whole, this figure was 35 cases out of 65. Shopkeepers and stallholders have suffered particularly from the ban on the Orenburg texts, as several titles are popular prayer books such as al-Qahtani's Fortress of a Muslim (see F18News 31 March 2015 http://www.forum18.org/archive.php?article_id=2052). There were no known cases against shopkeepers brought under Article 20.29 in the first four months of 2015.

One community prosecuted, another threatened

Out of the 19 prosecutions in January-April 2015, five involved Jehovah's Witness literature, the rest Islamic texts or videos. Penza, Orenburg, Novgorod, and Sverdlovsk Regions and the Republics of Tatarstan and Yakutia have seen one prosecution each in the first four months of 2015. Two prosecutions took place in Krasnodar Region and three in Perm Region. There were also three prosecutions in Karachay-Cherkessiya and five in Chelyabinsk Region, although these were based on single investigations.

Only one organisation was charged – the Jehovah's Witness community of Cherkessk in the North Caucasian republic of Karachay-Cherkessiya. It received a fine of 50,000 Roubles at Cherkessk City Court on 17 March after Prosecutors and "Anti-extremism" Police, informed by a local resident, confiscated a large quantity of texts from its premises and from members' homes. Judge Oskar Kochkarov also fined two members of the organisation 1,000 Roubles each. In both these cases the confiscated religious texts were ordered to be destroyed.

Prosecutors may use convictions under Article 20.29 as evidence of "extremism" and seek to have a religious community dissolved on that basis. If entire communities are banned as "extremist" their former members can then face prosecution if they continue to meet, with the risk of imprisonment. This has been the experience of Jehovah's Witnesses in Samara, Taganrog, and Abinsk (see F18News 6 March 2015 http://www.forum18.org/archive.php?article_id=2046), and a Muslim community in Borovsky village in Tyumen Region (see F18News 3 December 2014 http://www.forum18.org/archive.php?article_id=2020).

On 24 February 2015, Jehovah's Witness Vasily Platon was fined 1,500 Roubles for handing out texts in the street in Tikhoretsk (Krasnodar Region), including "How To Achieve Happiness In Life". The confiscated tests were ordered to be destroyed.

"How To Achieve Happiness In Life" has been banned twice - on 23 December 2013 by Kurgan City Court (see F18News 27 January 2014 http://www.forum18.org/archive.php?article_id=1920) and again on 10 July 2014 by Central District Court, Barnaul (see F18News 28 August 2014 http://www.forum18.org/archive.php?article_id=1990).

Tikhoretsk Inter-District Prosecutor's Office later issued Platon's Jehovah's Witness congregation in Tikhoretsk with an official written warning of the "inadmissibility of extremist activity". In a press release of 8 April, the Prosecutor's Office described this as a "preventative measure", and stated that if it is not heeded "the question of liquidating the above organisation may be considered". (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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