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RUSSIA: Punishments under anti-sharing beliefs changes begin

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

Three individuals – two of them foreign citizens – are the first known victims of Russia's new amendments punishing sharing beliefs, which came into force on 20 July. All were fined. A Russian citizen is due in court on 29 August. An earlier prosecution ended in acquittal.

The first known punishments have now been handed down under Russia's new legal amendments punishing the sharing of beliefs (the so-called "missionary" or Yarovaya "anti-terrorism" amendments), which came into force on 20 July. In the first known case, a Baptist pastor was fined in Noyabrsk in Yamalo-Nenets Autonomous Region. In cases in Tver and Oryol, two individuals – both foreign citizens legally resident in Russia – were heavily fined, but neither was ordered deported. Their convictions and the grounds for them leave an ever more confused picture of how this new legislation will be put into practice, Forum 18 notes. In the Mari-El Republic a Pentecostal leader is due to face a Magistrate's Court on the afternoon of 29 August. A Magistrate's Court in Kemerovo handed a case against a visiting New Generation pastor from Ukraine to a District Court.

Seven individuals are known to have been charged so far under the new provisions of the Administrative Code, Article 5.26, Part 4 and Part 5. These are (name; religious affiliation; location; date charged; Administrative Code Article; trial date and result):

- 1) Aleksei Teleus; Baptist; Noyabrsk; 22 July; Article 5.26, Part 4; 5 August fined 5,000 Roubles.
- 2) Vadim Sibiryev; Hare Krishna; Cherkessk; 28 July; Article 5.26, Part 4; 15 August acquitted.
- 3) Ebenezer Tuah; Protestant; Tver; 31 July; Article 5.26, Part 5; 1 August fined 50,000 Roubles.
- 4) Aleksandr Yakimov; Pentecostal; Mari-El Republic; 5 August; Article 5.26, Part 4; 29 August due in court.
- 5) Donald Ossewaarde; Baptist; Oryol; 14 August; Article 5.26, Part 5; 14 August fined 40,000 Roubles.
- 6) Vladimir Knaub; Free Seventh-day Adventist; Biysk; 22 August; Article 5.26, Part 4; no trial date set.
- 7) Irina Tishchenko; New Generation Protestant; Kemerovo; 22 August; Article 5.26, Part 5; 25 August Magistrate handed to District Court.

Administrative Code Article 5.26, Part 4 punishes "the conducting of missionary activity in violation of [the Religion Law]". For individuals, this carries a fine of 5,000 to 50,000 Roubles – for religious organisations, a fine of 100,000 to 1 million Roubles. The new Part 5 fines foreign and stateless persons 30,000 to 50,000 Roubles for the same "offence", and the possibility of deportation from the Russian Federation. The new Part 3 fines religious organisations 30,000 to 50,000 Roubles for activities (including the distribution of literature) carried out without displaying their official full names.

A fine of 50,000 Roubles (6,300 Norwegian Kroner, 680 Euros, or 770 US Dollars) represents about six weeks' average wages for those in work.

First known prosecution in Noyabrsk

Officials raided a Baptist children's camp in Noyabrsk in Yamalo-Nenets Autonomous Region on 20 July - the day the new punishments came into force. A case was launched under Article 5.26, Part 4 a day or so later against the Church's pastor, Aleksei Teleus.

The case was originally presented to Noyabrsk Town Court on 22 July. However, on 25 July Judge Tatyana Strokova handed the case to Noyabrsk's Magistrate's Court No. 3, according to court records. On 5 August, Magistrate Yelena Korolskaya found Pastor Teleus guilty and fined him 5,000 Roubles, the minimum punishment.

Pastor Teleus chose, "as a Christian", not to appeal against the conviction, he told Forum 18 from Noyabrsk.

Second prosecution attempt fails

The second known charges under the "missionary law" were brought under Article 5.26, Part 4 against Hare Krishna devotee Vadim Sibiryev in Cherkessk on 28 July, just days after the amendments introducing the new regulations came into force. He was acquitted on 15 August when the judge concluded that his actions did not meet the definition of "missionary" activity (see F18News 19 August 2016 http://www.forum18.org/archive.php?article_id=2209).

Tver

Christ Embassy leader Ebenezer Tuah, a Ghanaian citizen living in Russia on an educational visa, was fined 50,000 Roubles under Article 5.26, Part 5 at Tver's Moscow District Court on 1 August. He was detained when police and prosecutor's office officials raided a sanatorium in the city where he was performing baptisms on 31 July.

According to the court verdict, which Forum 18 has seen, Tuah "conducted religious rites and ceremonies, including religious gatherings, posted information about his beliefs on the internet with the aim of propagandising, and carried out missionary activity on the territory of the city of Tver, without the required documents and not in the conditions provided for by [the Religion Law]" on a regular basis for several months in the swimming pool and conference hall of the sanatorium.

This was, Judge Dmitri Zhurkin concluded, "activity aimed at disseminating information on his beliefs among non-participants (members, followers) of a religious association, in order to involve these persons in the religious association".

Tuah agreed he had performed baptisms and given religious talks and admitted that he did not have registration documents for the group. However, he insisted that he had not been trying to involve new members, and that Christ Embassy's Facebook group was aimed at friends in Africa. He pointed out that the sanatorium was not generally accessible, and his events had been held for a limited circle of people.

The testimony of an unnamed "specialist", however, described Christ Embassy as a "neo-Protestant new religious movement" characterised by "a high level of missionary activity and continuous effort to involve new members, including via the internet". The "specialist" stated that the action in the video of the event from the sanatorium's cameras "corresponds to the definition of missionary activity, since the very fact of baptism is evidence that preaching and missionary activity are being carried out in front of people who are not part of this religious group".

The court found Tuah guilty of conducting "missionary" activity without the necessary documents (ie. written authorisation from a general meeting of the religious group on whose behalf he was acting, and evidence that the group had notified the authorities of its creation – in cases of foreign citizens, required by Article 24.2, Part 3, of the Religion Law). The Judge fined him the maximum amount permitted for this offence (for either a foreigner or a Russian) under the Administrative Code.

The court decision notes that among the documents presented in the case was a report from the FSB security service that members of the unregistered Christ Embassy regularly rent premises at the sanatorium on Sundays. Also among the documents was a declaration signed by Tuah confirming that the ban on "religious activity in higher educational establishments and the obligation not to allow it" had been explained to him. The court decision does not say who had explained this ban to him.

Major Stanislav Shabunko of Tver's Moscow District Police – who oversaw the case – defended his officers' decision to raid the religious event. "Our officers have the duty to protect public order," he insisted to Forum 18 from Tver on 25 August. "If they find a violation of public order they have to act."

Asked how a baptism in the swimming pool of a sanatorium represented a violation of public order, Major Shabunko responded: "If the Judge took all the information into account and handed down the punishment then there was a violation." He added that if Tuah is not happy with the court decision he can appeal. Major Shabunko then put the phone down.

Vadim Kozlov, who represented Tver's Moscow District Prosecutor's Office at the hearing in Tuah's case, refused to discuss it. "I am not authorised to talk to the media," he told Forum 18 from Tver on 25 August.

Oryol

On 14 August – a Sunday - independent Baptist preacher Donald Ossewaarde, a United States citizen who has lived in Oryol since 2005, was brought before a hastily-arranged hearing at the city's Railway District Court. Judge Irina Sergunina fined him 40,000 Roubles under Article 5.26, Part 5 for holding religious services in his own home and for allegedly advertising them on the bulletin boards of nearby housing blocks. He had been charged the same day and was given no time to summon his own lawyer.

Oryol's Railway District Court holds hearings on a Sunday in only a handful of cases each month, court records indicate.

"In a 'confidential conversation' after the hearing, his court-appointed lawyer advised him to accept the verdict and pay the fine without appeal," a press statement on Ossewaarde's website noted. "Then he said that it would be better for [Ossewaarde] to leave the city, because anything might happen to him and his family." Although Judge Sergunina gave no deportation order, Ossewaarde's wife Ruth has already left Russia.

Ossewaarde submitted his appeal against the ruling to Oryol Regional Court on 23 August. No hearing date has yet been set.

In a detailed account of events on his website, Ossewaarde describes how three police officers arrived unannounced at his Oryol home shortly after the 14 August Sunday morning service began. Having been asked to wait until the singing and sermon were over, the police questioned everyone present. They then drove Donald and Ruth Ossewaarde to the police station, where he was formally charged under Article 5.26, Part 5.

Ruth Ossewaarde having gone home, officers then took Donald Ossewaarde straight to the court. There he was allowed to consult a court-appointed lawyer before Judge Sergunina decided that he was guilty, just over two hours after the case was submitted to her.

Article 24.1, Part 3, of the Religion Law states that "missionary" activity in residential premises is not permitted, except in cases provided for by Article 16, Part 2, which states that "worship services, other religious rites and ceremonies" may be conducted without hindrance in residential premises (as well as in religious buildings and in premises owned or rented by religious organisations).

When the anti-sharing beliefs amendment was first introduced in 2016, it was unclear what this part of it would mean in practice. However, Ossewaarde's conviction for holding a service (which consisted of prayers, Bible readings, hymn singing and a sermon) in his own home suggests that almost any religious activity in private as well as public space may be given a "missionary" slant and little protection may be afforded by the Article 16 provision.

The Justice Ministry confirmed in writing to the Oryol police on 12 August (seen by Forum 18) that Ossewaarde was not a member of any registered religious organisation or group. In the case of the Hare Krishna devotee in Cherkessk, this argument – that the defendant was not officially representing any religious association (a key provision of the anti-sharing beliefs amendment) and therefore by definition could not be engaging in missionary activity – was essential to the subsequent acquittal.

Here in Oryol, however, it appears to be part of the basis for conviction. Ossewaarde explicitly stated in the police report (seen by Forum 18) that he was not a representative of a religious association. However, Judge Sergunina concluded that Ossewaarde's guilt was "fully proven, since he carried out missionary activity without submitting prior notice in writing [to the relevant authority] of the beginning of the religious group's activity".

Ossewaarde claims on his site that the police showed him a statement written by a young woman who allegedly saw the biblical tracts advertising the services, and was "shocked .. scared and disgusted that foreign religious cultists were active in our own home town.. We indignantly ripped these papers off the board, and brought them to the police station to report this dangerous activity, as any patriotic citizen would do".

During a previous police visit on 3 July, Ossewaarde had given copies of these tracts to the four officers who attended. He says he believes these are the papers which ended up on the noticeboards.

According to the court verdict, seen by Forum 18, Ossewaarde denied that he had ever posted notices about his services on public bulletin boards. He insisted that he had only ever put them into private post boxes or handed them over in person.

It is evident from both Tver and Oryol cases that the effect of the recent requirement for religious groups to notify the authorities of their existence (see F18News 17 September 2015 http://www.forum18.org/archive.php?article_id=2101) is now being felt, and appears to be being used in conjunction with the July anti-sharing beliefs changes, if in somewhat confusing ways.

Forum 18 attempted to contact Oryol Police to ask why a service in a private home is considered an offence and whom Ossewaarde was thought to have harmed. However, all telephone calls on 25 August went unanswered.

Mari-El

Magistrate Tatyana Volkova of Sernur District Magistrate's Court No. 36 is due to hear the case against Protestant leader Aleksandr Yakimov on the afternoon of 29 August, the Magistrate's assistant told Forum 18 on 25 August. He is being prosecuted under Administrative Code Article 5.26, Part 4.

Yakimov leads the local New Generation Pentecostal community in Mari-Turek. This is a religious group without state registration, so cannot itself be punished under Article 5.26, Part 4 as it is not a legal entity.

On 3 August, Yakimov took part in the annual festival in the village of Mari-Sholner, not far from Mari-Turek. According to Mari-Turek District Prosecutor's Office, he spoke from a stage which had a banner bearing the name of his Church.

On 5 August, the District Prosecutor's Office charged Yakimov with "conducting missionary activity in violation of [the Religion Law]", the Moscow-based SOVA Center noted on 24 August. The Prosecutor's Office argued that by appearing at the festival, he was conducting "missionary" activity in a place not designated for it in the Religion Law. It also claimed that he was violating the law because he was sharing his faith without having written confirmation from the leader of a registered religious organisation that he was its representative.

Nikolai Bakhtin, head of the District Prosecutor's Office, which opened the case against Yakimov, refused to discuss the case. "We don't answer enquiries by phone – send an official request in writing," he told Forum 18 on 25 August.

Kemerovo

In mid-August, Ukrainian pastor Irina Tishchenko was visiting local congregations of New Generation Church at their invitation in and around Kemerovo. As she could not - as a foreign citizen - speak publicly to the Kemerovo church, she addressed a private group in the pastor's home on the morning of Sunday 21 August. A police car waited outside, but officers did not detain her at the time.

Police detained Pastor Tishchenko at 3 am on 22 August as she was returning by car to the place she was staying in Kemerovo, church members told Forum 18. Police officers revealed that she was subject to an "operational-investigative measure 'Surveillance'". Police held her for three hours before releasing her in the early morning.

That day, officials opened a case against Pastor Tishchenko under Administrative Code Article 5.26, Part 5. The case was handed to Kemerovo's Factory District Magistrate's Court No. 7. However, on 25 August Magistrate Yelena Borkova ruled that the case should be heard instead by Factory District Court, according to court records.

Background

President Vladimir Putin signed the anti-sharing beliefs amendments into law on 6 July as part of a controversial package of "anti-terrorism" legislation proposed by United Russia deputy Irina Yarovaya and Senator Viktor Ozerov. The package had been causing unease in Russia for several months because of its requirement for telecoms companies to store metadata about calls and messages and its criminalisation of failure to report possible terrorist activity.

The section introducing new restrictions on sharing beliefs and increased "extremism" punishments was added in mid-June, just before the so-called Yarovaya "anti-terrorism" legal changes' second and third readings in the State Duma. The restrictions triggered protest from religious leaders and human rights defenders (see F18News 8 July 2016 http://www.forum18.org/archive.php?article_id=2197).

Mikhail Fedotov, Chair of the Presidential Council on Civil Society Development and Human Rights, complained to President Putin on 1 July that the amendments "create unjustified and excessive restrictions on the freedom of conscience of believers of all religions, and encroach upon the fundamental constitutional principle of non-interference by the state in the internal arrangements of religious associations" (see F18News 4 July 2016 http://www.forum18.org/archive.php?article_id=2195).

Individuals - including Hare Krishna devotees, Baptists and particularly Jehovah's Witnesses - have long encountered problems when expressing and sharing their beliefs in public space. Forum 18 found 122 prosecutions (principally of Jehovah's Witnesses) in 2015 under Article 20.2 of the Administrative Code, which regulates the conduct of public events and is often used to punish those talking publicly of their faith (see F18News 18 May 2016 http://www.forum18.org/archive.php?article_id=2179). (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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