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CRIMEA: "Anti-missionary" prosecutions double in 2018

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

Compared to the first year they were implemented, punishments in Russian-occupied Crimea for ill-defined "missionary activity" doubled in 2018. Of 23 prosecutions for sharing faith or holding worship at unapproved venues, 19 ended in punishment. Also, 17 cases were brought for communities not using their full legal name.

In Russian-occupied Crimea in 2018 there were 23 prosecutions brought against individuals for ill-defined "missionary activity", of which 19 ended with punishment, Forum 18 has found. Many of those punished were prosecuted for sharing their faith on the street or for holding worship at unapproved venues. Cases against two more are due to be heard in mid-January 2019.

This represents a doubling of such cases in the Crimean peninsula since the first year such punishments for "missionary activity" were imposed. July 2016 to July 2017 saw 13 known cases of which 8 ended in punishment.

(http://www.forum18.org/archive.php?article_id=2299)

"These punishments do have an impact," one member of a religious community in Crimea who was earlier fined for sharing their faith on the street told Forum 18 on 9 January 2019. "Believers go out to share their faith less often, and give out publications or invitations less openly. It is a question not just of fines – if you don't pay then fines are doubled, then if you still don't pay they impose compulsory labour."

Twelve of the people punished in Crimea in 2018 – all Russian citizens – were fined about 10 days' average local wages each (Russian Administrative Code Article 5.26, Part 4 - "Russians conducting missionary activity").

A further seven people – all longtime residents who are Ukrainian citizens - were punished for participating in religious meetings of a community they belonged to. Six of the seven were given far higher fines of up to nearly two months' average local wages (Russian Administrative Code Article 5.26, Part 5 - "Foreigners conducting missionary activity"). These seven cases against Ukrainian citizens appear to be the first use in Russian-occupied Crimea of this Russian Administrative Code article, which is specifically aimed at non-Russians.

There were also 17 cases brought in Crimea in 2018 against 12 religious communities and 5 individuals to punish them for failing to use the full legal name of a registered religious community (Russian Administrative Code Article 5.26, Part 3 - "Implementation of activities by a religious organisation without indicating its official full name, including the issuing or distribution, within the framework of missionary activity, of literature and printed, audio, and video material without a label bearing this name, or with an incomplete or deliberately false label").

Nine of these 17 cases ended with fines of 30,000 Russian Roubles (nearly two months' average local wages) each and another with a warning. The communities known to have faced administrative cases are: 6 Pentecostal, 2 Baptist, 1 Lutheran, 1 Russian Orthodox, 1 Muslim and 1 Karaite. The other seven cases ended with no punishment.

This represents a slight increase in the number of such cases under Article 5.26, Part 3. In the first year of the imposition of such punishments – between July 2016 and July 2017 – Forum 18 found 14 such administrative cases, of which 8 ended in punishment. (http://www.forum18.org/archive.php?article_id=2299)

A full listing of known 2018 cases in the administratively separate Republic of Crimea and the city of Sevastopol - based on court decisions and court records seen by Forum 18 - is at the foot of this article.

Administrative prosecutions are also brought against those who have or are deemed to be in charge of religious literature the Russian authorities consider "extremist". One 2018 prosecution was of a doctor in an oncology department where a prayer room library was located (see below).

In addition to these punishments under Russia's Administrative Code, at least five individuals are facing criminal prosecution for exercising their freedom of religion or belief. The trial of four Muslims accused of membership of the banned "extremist"

missionary movement Tabligh Jamaat is due to begin at Crimea's Supreme Court on 10 January. A criminal case – also on "extremism"-related charges – has been launched against the former head of a Jehovah's Witness community in Dzhankoi (see below).

Penalties for ill-defined "anti-missionary" activity

The 40 Russian Administrative Code cases in Crimea in 2018 were all brought under wide-ranging and ill-defined "anti-missionary" Russian legal changes made in July 2016 (http://www.forum18.org/archive.php?article_id=2246). The Russian authorities immediately imposed these punishments in Crimea, which they occupied in March 2014.

Russian Administrative Code Article 5.26, Part 3 punishes the "Implementation of activities by a religious organisation without indicating its official full name, including the issuing or distribution, within the framework of missionary activity, of literature and printed, audio, and video material without a label bearing this name, or with an incomplete or deliberately false label". This incurs a fine of 30,000 to 50,000 Roubles and the confiscation of any literature or other material.

In upholding a Russian Pentecostal Pastor's appeal in November 2017, Russia's Supreme Court declared that Article 5.26, Part 3 does not apply to private individuals or people employed in an official capacity, only to legal entities. This may account for why cases under this Part against three individuals in Crimea in 2018 were returned for correction. In two of these cases, against Protestant pastors, cases were then submitted against their churches. However, one individual, Artyom Morev, was fined (see list below).

Russian Administrative Code Article 5.26, Part 4 punishes "Russians conducting missionary activity". This incurs a fine of 5,000 to 50,000 Roubles. For organisations (legal entities), the fine is 100,000 to 1 million Roubles. Unregistered religious groups must notify the authorities of their existence, activities and membership and are not legal entities. Their members are therefore subject to prosecution as individuals.

Russian Administrative Code Article 5.26, Part 5 punishes "Foreigners conducting missionary activity". This incurs a fine of 30,000 to 50,000 Roubles with the possibility of expulsion from Russia.

Human rights defender Aleksandr Sedov of the Crimean Human Rights Group stated in 2017 that the punishments violate the rights to freedom of religion or belief enshrined in the European Convention on Human Rights and Fundamental Freedoms. He also pointed out that they also break the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, which enshrines the rights of civilians in occupied territories. (http://www.forum18.org/archive.php?article_id=2299)

Tight Russian freedom of religion and belief restrictions

Since the March 2014 Russian annexation of Crimea, local religious communities which wanted to continue to function had to re-register under Russian law. Many were forced to restructure themselves to meet Russian requirements. This usually entailed cutting ties to their fellow-believers elsewhere in Ukraine.

Individuals and religious communities in Crimea were also subjected to the web of restrictions on exercising freedom of religion or belief enshrined in Russian law (http://www.forum18.org/archive.php?article_id=2246). They have faced raids, fines, religious literature seizures, government surveillance, expulsions of invited foreign religious leaders, unilateral cancellation of property rental contracts and obstructions to regaining places of worship confiscated in the Soviet period. (http://www.forum18.org/archive.php?article_id=2051)

Awaiting hearings

Two prosecutions under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") are about to be heard.

Magistrate Svetlana Urupina of Kerch Magistrate's Court No. 51 is due to hear the case of local Pentecostal Vasily Olovyanishnikov in the afternoon of 10 January 2019, according to court records.

Magistrate Yekaterina Chumachenko of Simferopol Magistrate's Court No. 75 is due to hear the case of Hare Krishna devotee Andrei Tereshchenko in the morning of 14 January, according to court records.

One case is about to be heard under Russian Administrative Code Article 5.26, Part 3 ("Implementation of activities by a religious organisation without indicating its official full name, including the issuing or distribution, within the framework of missionary activity, of literature and printed, audio, and video material without a label bearing this name, or with an incomplete or deliberately false label"). Magistrate Andrei Karnaukhov is due to hear the case against Sevastopol's Hare Krishna community at noon on 29 January, according to court records. The case had originally been brought against the community leader Valentin Penzov (see below).

Fines for "extremist" religious literature

Individuals are also fined for having or being deemed to be in charge of religious literature the Russian authorities consider "extremist". (http://www.forum18.org/archive.php?article_id=2215)

Officers of Russia's FSB security service searched a small library next to a prayer room in the oncology department of the city hospital in Feodosiya on 29 June 2018, Radio Free Europe's Crimea Realities service noted on 20 September 2018. The prayer room was "open to all", the subsequent court decision notes, and the library included religious items of several faiths, as well as literary and historical works.

FSB officers discovered two Islamic books and one brochure which Russian courts had banned as "extremist" and which are on Russia's Federal List of Extremist Materials (http://www.forum18.org/archive.php?article_id=2215). One item was by the late Turkish Muslim theologian Said Nursi and another by the contemporary Istanbul Naqshbandi Sufi teacher Osman Nuri Topbas.

Even though the subsequent court decision quotes one witness as declaring that "no one in the [oncology] department was responsible for the library", prosecutors deemed urologist Smail Temindarov responsible. They noted that he had stamped the books to try to prevent patients and visitors from taking any books away from the department.

Prosecutors brought a case against Temindarov under Russian Administrative Code Article 20.29 ("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").

On 20 September, Judge Yelena Gurova of Feodosiya City Court found the doctor guilty, according to the decision seen by Forum 18. She fined him 2,000 Russian Roubles. Temindarov did not appeal against the decision.

Since the Russian annexation of Crimea, religious communities, libraries and individuals have repeatedly faced raids and punishment over religious literature which is banned as "extremist" but which does not appear to violate the human rights of others.

Officers – often armed – have raided numerous madrassahs (Muslim colleges), libraries, Muslim-owned homes and Jehovah's Witness meetings seizing such literature. Individuals have been punished under Russian Administrative Code Administrative Code Article 20.29 ("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"). (http://www.forum18.org/archive.php?article_id=2051)

Criminal cases also underway

In addition to these Russian Administrative Code cases, five individuals are known to be facing criminal prosecution to punish their exercise of freedom of religion or belief.

The trial of four Muslims – accused of membership of the banned Muslim missionary movement Tabligh Jamaat – is due to begin at Crimea's Supreme Court in Simferopol at 10 am on 10 January 2019, according to court records. Renat Suleimanov, Talyat Abdurakhmanov, Seiran Mustafaev and Arsen Kubedinov are being tried under Russian Criminal Code Article 282.2.

Russian Criminal Code Article 282.2, Part 1 punishes "Organisation of" and Part 2 punishes "participation in" "the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity". (http://www.forum18.org/archive.php?article_id=2215)

Russia's FSB security service launched criminal cases against the four Crimean Tatar Muslims in late September 2017. Days later, masked men staged early morning raids on their homes. Suleimanov has been in Simferopol's Investigation Prison since then. The other three are awaiting trial under restrictions at home. (http://www.forum18.org/archive.php?article_id=2432)

The Russian FSB security service opened a criminal case in mid-November 2018 against Sergei Filatov, who headed a Jehovah's Witness community in Dzhankoi until it was forcibly liquidated in May 2017 following the Russian Supreme Court ban on all Jehovah's Witness communities.

About 10 groups of FSB officers, OMON riot police and possibly officers of other agencies who had come from Simferopol then raided the homes in Dzhankoi of eight families (including that of Filatov) who were members of the two local Jehovah's Witness communities before they were banned in 2017. Violence was used against some of them, while a pregnant woman suffered a miscarriage following the raids. (http://www.forum18.org/archive.php?article_id=2432)

Known Russian Administrative Code Article 5.26 cases in Crimea in 2018

The list of known 2018 prosecutions under Russian Administrative Code Article 5.26, Parts 3, 4 and 5, based on court records and other information (date of court hearing, name of individual/community, punishment, court, material on which prosecution based, appeal):

- Russian Administrative Code Article 5.26, Part 3 ("Implementation of activities by a religious organisation without indicating its official full name, including the issuing or distribution, within the framework of missionary activity, of literature and printed, audio, and video material without a label bearing this name, or with an incomplete or deliberately false label")

1) 9 February 2018

Name: A. Selivanov

Punishment: none

Court: Bakhchisarai Magistrate's Court No. 27

Circumstances: Returned for correction

Appeal: none

2) 21 February 2018

Name: Jesus is Lord Pentecostal Church

Punishment: none

Court: Sevastopol Magistrate's Court No. 15

Circumstances: Returned for correction

Appeal: none

3) 5 March 2018

Name: Alushta Pentecostal Church

Punishment: none

Court: Belogorsk Magistrate's Court No. 22

Circumstances: Returned for correction

Appeal: none

4) 6 March 2018

Name: Victory Pentecostal Church

Punishment: 30,000 Roubles

Court: Yalta Magistrate's Court No. 97

Circumstances: Registered church failed to have sign on worship building

Appeal: none

5) 14 March 2018

Name: Sevastopol Lutheran Parish

Punishment: 30,000 Roubles

Court: Sevastopol Magistrate's Court No. 9

Circumstances: unknown

Appeal: none

6) 27 March 2018

Name: St Paul Pentecostal Church

Punishment: 30,000 Roubles

Court: Simferopol Magistrate's Court No. 17

Circumstances: Registered church failed to have sign on worship building

Appeal: none

7) 20 April 2018

Name: Pozharskoe Baptist Church

Punishment: 30,000 Roubles

Court: Simferopol Magistrate's Court No. 76

Circumstances: Registered church failed to have sign on worship building

Appeal: none

8) 18 May 2018

Name: Light of the Resurrection Pentecostal Church

Punishment: 30,000 Roubles

Court: Sevastopol Magistrate's Court No. 11/13

Circumstances: Notice with full name of church on door of hall, but not on outside of building

Appeal: Sevastopol's Lenin District Court, 19 June 2018, no change

9) 24 May 2018

Name: Andrei Konstantinov

Punishment: none

Court: Kerch Magistrate's Court No. 47

Circumstances: Pastor of Pentecostal Church of Blessing (see below); Returned for correction

Appeal: none

10) 13 June 2018

Name: St Paisy Velichkovsky Orthodox Monastery

Punishment: 30,000 Roubles

Court: Sevastopol Magistrate's Court No. 2

Circumstances: Registered community failed to have sign with full name on worship building

Appeal: Sevastopol's Balaklava District Court, 13 August 2018, no change

11) 26 June 2018

Name: Ikhlyas Muslim Community

Punishment: 30,000 Roubles

Court: Dzhankoi Magistrate's Court No. 35

Circumstances: Crimean Muslim Board community failed to have sign on worship building

Appeal: Dzhankoi District Court, 19 July 2018, no change

12) 10 September 2018

Name: Artyom Morev

Punishment: 30,000 Roubles

Court: Bakhchiserai Magistrate's Court No. 29

Circumstances: Pastor of Generation of Faith Pentecostal church from Yalta

Appeal: none

13) 17 September 2018

Name: Pyotr Dukh

Punishment: none

Court: Razdolnoe Magistrate's Court No. 68

Circumstances: Pastor of Berezovka Baptist Church (see below); Returned for correction

Appeal: none

14) 18 September 2018

Name: Pentecostal Church of Blessing

Punishment: none

Court: Kerch Magistrate's Court No. 47

Circumstances: Returned for correction

Appeal: none

15) 10 October 2018

Name: Berezovka Baptist Church

Punishment: Warning

Court: Razdolnoe Magistrate's Court No. 68

Circumstances: unknown

Appeal: none

16) 20 December 2018

Name: Valentin Penzov

Punishment: none

Court: Gagarin District Court, Sevastopol

Circumstances: Leader of registered Hare Krishna community; Transferred to different court; Case later brought against community (see above)

Appeal: none

17) 24 December 2018

Name: Karaite Religious Community

Punishment: 30,000 Roubles

Court: Yevpatoriya District Magistrate's Court No. 42

Circumstances: Failed to have sign outside place of worship

Appeal: none

- Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity")

1) 12 January 2018

Name: Yuri Moiseev

Punishment: 5,000 Roubles

Court: Sevastopol Magistrate's Court No. 5

Circumstances: Spoke of faith, sang at bus stop

Appeal: none

2) 12 January 2018

Name: Aleksei Gabrielyan

Punishment: 5,000 Roubles

Court: Sevastopol Magistrate's Court No. 5

Circumstances: Spoke of faith, sang at bus stop

Appeal: Gagarin District Court 26 February 2018 cancelled fine as case filed too late

3) 12 January 2018

Name: Mikhail Leppik

Punishment: none - acquitted

Court: Sevastopol Magistrate's Court No. 5

Circumstances: Offering leaflets at bus stop

Appeal: none

4) 12 January 2018

Name: Yevgeny Kornev

Punishment: none - acquitted

Court: Sevastopol Magistrate's Court No. 5

Circumstances: Offering leaflets at bus stop

Appeal: none

5) 27 February 2018

Name: Pavel Dyakov

Punishment: 20,000 Roubles

Court: Sevastopol Magistrate's Court No. 16

Circumstances: Council of Churches Baptist gave out Christian magazines on the street

Appeal: Sevastopol's Lenin District Court, 19 April 2018, fine reduced to 5,000 Roubles because of low family income; Sevastopol City Court 22 October 2018 no change

6) 9 March 2018

Name: D. Adamenko

Punishment: none

Court: Bakhchisarai Magistrate's Court No. 27

Circumstances: Returned for correction

Appeal: none

7) 29 March 2018

Name: Gennady Gorbatsky

Punishment: 5,000 Roubles

Court: Feodosiya Magistrate's Court No. 90

Circumstances: Protestant leader organised worship meetings in hotel

Appeal: none

8) 5 April 2018

Name: Aleksandr Ivanenkov

Punishment: 5,000 Roubles

Court: Simferopol Magistrate's Court No. 21

Circumstances: Pentecostal House of the Potter Church member addressed worship service ("sectarian events") without church's due authorisation

Appeal: Simferopol's Central District Court, 7 June 2018, no change; Crimean Supreme Court, 25 July 2018, no change

9) 25 April 2018

Name: Ebazer Abdulzatov

Punishment: 5,000 Roubles

Court: Sevastopol Magistrate's Court No. 12

Circumstances: unknown

Appeal: none

10) 26 April 2018

Name: V. Kotenkov

Punishment: 5,000 Roubles

Court: Belogorsk Magistrate's Court No. 22

Circumstances: unknown

Appeal: none

11) 3 May 2018

Name: L. Kotenkova

Punishment: 5,000 Roubles

Court: Belogorsk Magistrate's Court No. 22

Circumstances: unknown

Appeal: none

12) 7 June 2018

Name: Vitaly Savchuk

Punishment: 5,000 Roubles

Court: Lenino District Court

Circumstances: Pentecostal member of Russian-based church held worship meeting in House of Culture

Appeal: none

13) 20 June 2018

Name: Aydar Islyamov

Punishment: 5,000 Roubles

Court: Simferopol Magistrate's Court No. 76

Circumstances: Imam of mosque

Appeal: none

14) 13 July 2018

Name: D. Ivanov

Punishment: none

Court: Feodosiya Magistrate's Court No. 87

Circumstances: Transferred to different court, then returned for correction

Appeal: none

15) 24 October 2018

Name: Maksim Karpukhin

Punishment: 5,000 Roubles

Court: Yalta Magistrate's Court No. 94

Circumstances: Formed religious group (affiliation unknown) without notifying authorities

Appeal: none

16) 4 December 2018

Name: V. Svetaev

Punishment: 5,000 Roubles

Court: Kerch Magistrate's Court No. 51

Circumstances: Pentecostal pastor whose registered church held services at unapproved locations

Appeal: none

- Russian Administrative Code Article 5.26, Part 5 ("Foreigners conducting missionary activity")

1) 12 April 2018

Name: Yekaterina Bochkareva

Punishment: 15,000 Roubles

Court: Gagarin District Court, Sevastopol

Circumstances: Ukrainian citizen and longtime resident participated in Pentecostal worship meeting

Appeal: none

2) 12 April 2018

Name: Olga Vorobyova

Punishment: 15,000 Roubles

Court: Gagarin District Court, Sevastopol

Circumstances: Ukrainian citizen and longtime resident participated in Pentecostal worship meeting

Appeal: none

3) 24 May 2018

Name: Dmitry Polish

Punishment: 30,000 Roubles

Court: Balaklava District Court, Sevastopol

Circumstances: Ukrainian citizen and longtime resident participated in Pentecostal worship meeting

Appeal: none

4) 25 May 2018

Name: Archil Gevorkov

Punishment: 15,000 Roubles

Court: Gagarin District Court, Sevastopol

Circumstances: Ukrainian citizen and longtime resident participated in Pentecostal worship meeting

Appeal: none

5) 25 May 2018

Name: Denis Bochkarev

Punishment: 30,000 Roubles

Court: Gagarin District Court, Sevastopol

Circumstances: Ukrainian citizen and longtime resident participated in Pentecostal worship meeting

Appeal: none

6) 25 May 2018

Name: Yekaterina Bochkareva (second case)

Punishment: 30,000 Roubles

Court: Gagarin District Court, Sevastopol

Circumstances: Ukrainian citizen and longtime resident participated in Pentecostal worship meeting

Appeal: none

7) 23 November 2018

Name: Anatoly Tkachenko

Punishment: 5,000 Roubles

Court: Kerch City Court

Circumstances: Ukrainian citizen and longtime resident, participated in Good News Pentecostal Church worship meeting, case transferred 20 November 2018 from Magistrate's Court No. 44

Appeal: none

(END)

Full reports on freedom of thought, conscience and belief in Crimea
(<http://www.forum18.org/archive.php?query=&religion=all&country=86>)

For more background, see Forum 18's Crimea religious freedom survey (http://www.forum18.org/archive.php?article_id=2051)

Forum 18's Reports and analyses on freedom of thought, conscience and belief in Russia within its internationally-recognised

territory (<http://www.forum18.org/archive.php?query=&religion=all&country=10>)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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