

25 February 2021

CRIMEA: Muslim meetings for worship main target of "anti-missionary" prosecutions

By Felix Corley, Forum 18

Of the 13 individuals fined under Russia's "anti-missionary" laws in 2020 in Russian-occupied Crimea, 10 were imams leading meetings for worship in mosques outside the framework of the Russian-backed Crimean Muslim Board. "What will the state's next step be?" Seitosman Karaliyev asked in November 2020, after another imam was fined for not having documents approving his role leading the community. "Without an original certificate, will we no longer be allowed to conduct dua (prayer service) or jenazah (burial service)?"

At least 10 of the 13 individuals fined under Russia's "anti-missionary" laws in 2020 in Russian-occupied Crimea were Muslims targeted for leading meetings for worship in mosques outside the framework of the Russian-backed Crimean Muslim Board. Many of the fines followed raids on mosques during meetings for worship – and in at least one case the use of secretly-recorded footage inside a mosque. All 13 individuals were each fined about 5 days' average local wages.

(For a full list of known 2020 "missionary activity" prosecutions, see below.)

Such prosecutions and fines have continued in 2021. Of the nine known prosecutions brought so far, three are against imams and four are against members of Sevastopol's House of the Potter Protestant Church (see below).

On 11 February, a Judge in Belogorsk fined Imam Murtaza Ablyazov about two weeks' average local wages for conducting "missionary activity" by leading prayers in a mosque. The fine was much higher than usual because he led prayers "systematically" (see below).

Following a fine on Imam Ablyakim Galiyev in Sudak District in November 2020 for leading prayers in a mosque, his public defender, Seitosman Karaliyev, told the Crimean Solidarity monitoring group that the case was part of the systematic policy of state pressure on Muslim communities outside the framework of the Russian-backed Crimean Muslim Board.

"What will the state's next step be?" Karaliyev asked. "Without an original certificate, will we no longer be allowed to conduct dua (prayer service) or jenazah (burial service)? Where will all this lead? We need to pay attention to this. It's as if they've driven us into some kind of observation, and they think they can create what they want over the people" (see below).

Four of the prosecutions so far in 2021 have targeted members of Sevastopol's House of the Potter Protestant Church. Magistrates fined Aleksey Smirnov and Ivan Nemchinov (twice) on 25 January after picking them out as home group leaders on a social media post by a church member. Yevgeny Kornev's case is due to be heard on 2 March.

Smirnov had invited an attendee from the church to his home, where they had discussed religious issues. Prosecutors from Sevastopol's Gagarin District Prosecutor's Office sought an analysis from Andrei Mironov, a religious studies and "social philosophy" professor from Sevastopol State University, who said that Smirnov's actions constituted "missionary activity". An officer of the city police's Anti-Extremism Centre testified in the Magistrate's Court that Smirnov was guilty (see below).

House of the Potter Church members have repeatedly faced administrative prosecution for exercising their right to freedom of religion or belief (see below).

Magistrate's Courts handed down the fines under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity"). No non-Russian citizens are known to have been punished in Russian-occupied Crimea in 2020 under Russian Administrative Code Article 5.26, Part 5 ("Foreigners conducting missionary activity") (see below).

Magistrate's Courts in Crimea are also known to have handed down fines under Russian Administrative Code Article 5.26, Part 3 in 2020 to 16 religious communities which failed to display their full legal name on internet postings or outside the places where they meet for worship. A further four were given official warnings (see below).

Of 20 known cases in 2020 to punish Crimean religious communities which fail to use their full legal name on websites or on meeting places (https://www.forum18.org/archive.php?article_id=2618), 13 related to websites (mostly the VKontakte site). Ten of these were each fined one month's average wages. "We were saddened and in shock," said a member of one fined community. "The prosecutor told us we'd get a warning."

Russia's illegal March 2014 annexation of Crimea (<https://www.nhc.no/en/qa-breaches-of-international-law-and-human-rights-issues-2/>) is not recognised by Ukraine or internationally.

Penalties for ill-defined "missionary" activity

The 13 Russian Administrative Code cases in Crimea in 2020 were all brought under wide-ranging and ill-defined "anti-missionary" Russian legal changes made in July 2016. The Russian authorities immediately imposed these punishments in Crimea, which they occupied in March 2014.

Russian Administrative Code Article 5.26, Part 4 (https://www.forum18.org/archive.php?article_id=2246) 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. All religious communities which are not registered, and so have no legal status, must notify the authorities of their existence and provide the names and addresses of all their members, as well as addresses where any meetings take place. Their members are therefore subject to prosecution as individuals.

Russian Administrative Code Article 5.26, Part 5 punishes "Foreigners conducting missionary activity" (https://www.forum18.org/archive.php?article_id=2246). This incurs a fine of 30,000 to 50,000 Roubles with the possibility of expulsion from Russia.

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" (https://www.forum18.org/archive.php?article_id=2246). This incurs a fine of 30,000 to 50,000 Roubles and the confiscation of any literature or other material.

Russia's Administrative Code specifies that cases under Article 5.26 can be brought by the police, Prosecutor's Offices, or local Justice Departments.

In addition to the 13 prosecutions under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activities"), the Russian authorities brought 20 prosecutions against religious communities in occupied Crimea in 2020 (https://www.forum18.org/archive.php?article_id=2618). Of these, 16 were each fined 30,000 Russian Roubles (about one month's average wages for those in work). The other 4 each received a warning.

On 8 December 2020, in the last case of the year under Russian Administrative Code Article 5.26, Part 3, Nizhnegorsky Magistrate's Court No. 64 handed a warning to the Mendzhaba Muslim community in the village of Novogrigoryevka in north-eastern Crimea. The community was punished for failing to have a notice outside its place of worship with its full legal name (https://www.forum18.org/archive.php?article_id=2618).

Prosecutions are also brought in Crimea to punish exercise of freedom of religion or belief in public under Russian Administrative Code Article 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket") (https://www.forum18.org/archive.php?article_id=2246), which is linked to the Demonstrations Law.

On 29 April 2020, Sovetsky District Court in eastern Crimea found Imam Dilyaver Khalilov guilty under Russian Administrative Code Article 20.2, Part 2 for leading prayers in a mosque they had used since 2004 which has now been forcibly closed and seized. When Forum 18 asked how the Muslim community should worship now the authorities have seized their place of worship, Emil Velilyayev, deputy head of Sovetsky District, responded: "There is no community there." (https://www.forum18.org/archive.php?article_id=2592) The Judge fined Imam Khalilov 30,000 Russian Roubles (about one month's average wages for those in work). Prosecutors had initially brought the case under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activities").

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 break Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (https://www.forum18.org/archive.php?article_id=2299), which enshrines the rights of civilians in occupied territories.

Anti-Extremism Centres, Prosecutors, FSB

Many of the cases in Crimea under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") begin with "inspections" of religious communities, which involve looking at documents relating to a community's registration (if it is registered as a religious organisation, or has notified the Justice Ministry of its existence as a religious group), its place of worship, and its leader.

Particularly in the cases of mosques and their imams, inspections sometimes take the form of raids by armed officers of the police, OMON riot police or FSB security service on communities meeting for worship.

Police Anti-Extremism Centres, Prosecutors and Russia's FSB security service often initiate such inspections and raids.

In autumn 2020, Prosecutors and officers from the Police Anti-Extremism Centre and Russia's FSB security service raided Adzhi-Bey Mosque in the village of Dachnoe near Sudak during a meeting for worship. Sudak's acting prosecutor Aleksandr Zherebtsov then brought a case against the Imam, Ablyakim Galiyev, claiming he was leading prayers without permission and thus carrying out "missionary" activity. The prosecution used video footage from the mosque obtained by the FSB in their case against him.

Imam Galiyev had led the community since about 2010, but stepped back in about 2019 when the Russian-backed Crimean Muslim Board named another imam. However, Galiyev later in 2019 returned to the role at the wish of the community. As well as leading prayers he also held funeral and birth ceremonies.

On 11 November 2020, at the end of the fourth hearing, Judge Lyudmila Sologub of Sudak Magistrate's Court No. 86 found Imam Galiyev guilty and fined him 5,000 Russian Roubles, according to the decision seen by Forum 18.

The court viewed the video footage from the mosque at the final 11 November hearing, after a petition from Imam Galiyev's lawyer, Emil Kurbedinov. "We watched it together with the judge today," Imam Galiyev's public defender Seiran Kamilov told Crimean Solidarity after the hearing, "and we saw nothing illegal."

Imam Galiyev's other public defender, Seitosman Karaliyev, insisted that the entire Muslim population of Sudak District regard Galiyev as their imam. He told Crimean Solidarity that the case was part of the systematic policy of state pressure on Muslim communities outside the framework of the Crimean Muslim Board.

"What will the state's next step be?" Karaliyev asked. "Without an original certificate, will we no longer be allowed to conduct dua (prayer service) or jenazah (burial service)? Where will all this lead? We need to pay attention to this. It's as if they've driven us into some kind of observation, and they think they can create what they want over the people."

The official who answered the phone at Sudak's Prosecutor's Office on 25 February said she could not put Forum 18 through to Prosecutor Zherebtsov because it was not the day he assigns to speak to the public.

In a case against S. Alekseyev, who arrived in Kerch on 1 September 2020 to speak to an unidentified religious community and offer religious literature, the FSB security service in the city passed the information to the Prosecutor's Office. The Prosecutor's Office then conducted an "inspection". Prosecutor's Office official Mikhail Polyukhovich brought the case against Alekseyev of conducting "missionary" activity. Judge Kristina Troyan fined him 5,000 Russian Roubles on 3 November 2020, according to the decision seen by Forum 18.

Forum 18 was unable to reach Polyukhovich or anyone else at Kerch's Prosecutor's Office on 25 February. Forum 18 was similarly unable to reach the FSB in Sudak.

Prosecutions continue in 2021

The 13 known prosecutions in Russian-occupied Crimea in 2020 for conducting "missionary" activity without state permission show a fall in such prosecutions compared to recent years. This may be related to the reduction in meetings for worship in 2020, during the coronavirus pandemic.

In 2019, 24 such prosecutions were brought, of which 17 ended with punishment (https://www.forum18.org/archive.php?article_id=2544). In 2018, 23 such prosecutions were brought, of which 19 ended in punishment (https://www.forum18.org/archive.php?article_id=2441). Seven of those prosecuted in 2018 (under Russian Administrative Code Article 5.26, Part 5 "Foreigners conducting missionary activity" (https://www.forum18.org/archive.php?article_id=2246)) were longtime residents who are Ukrainian citizens.

The Russian authorities have brought further prosecutions in 2021 under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") in 2021:

- Imam Server Davletshayev was fined in Bakhchisarai on 13 January 2021.
- Aleksey Smirnov of the Potter's House Protestant Church was fined in Sevastopol on 25 January 2021.
- Ivan Nemchinov of the Potter's House Protestant Church was fined twice in Sevastopol on 25 January 2021.
- Imam Murtaza Ablyazov was fined in Belogorsk on 11 February 2021.
- Imam Aydar Islyamov was fined in Simferopol on 18 February 2021.
- S. Sheikhmedov is facing a hearing in Simferopol on 2 March 2021.
- Yevgeny Kornev of the Potter's House Protestant Church is facing a hearing in Sevastopol on 2 March 2021.
- I. Denisov is facing a hearing in Kerch on 12 March 2021.

Zuya Mosque targeted

Prosecutors launched a case under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") to punish Imam Murtaza Ablyazov for leading prayers in a mosque in the village of Zuya, west of the town of Belogorsk. They claimed he was not a member of the clergy recognised by the Russian-backed Crimean Muslim Board and was not duly appointed by a registered religious community to conduct "missionary" activity. They also claimed that the community did not have permission to use the mosque as a place of worship.

Yuliya Burlakova of Belogorsk Prosecutor's Office handed the case to Magistrate's Court No. 32. On 11 February 2021, Judge Stanislav Novikov fined Imam Ablyazov 15,000 Russian Roubles, about two weeks' average local wages, according to the decision seen by Forum 18. This is the highest known fine handed down to an individual under Russian Administrative Code Article 5.26, Part 4.

Forum 18 introduced itself to Burlakova on 25 February, but when it asked her why she had brought the prosecution to punish Imam Ablyazov for exercising his right to freedom of religion or belief she claimed not to be able to hear. She then put the phone down. Called back immediately, the phone line had been diverted to a fax machine.

Sevastopol Church targeted

Three of the prosecutions under Russian Administrative Code Article 5.26, Part 4 in 2021 have targeted members of Sevastopol's House of the Potter Protestant Church. Magistrates fined Aleksey Smirnov and Ivan Nemchinov (twice) on 25 January 2021 after picking them out as home group leaders on a social media post by a church member. Yevgeny Kornev's case is due to be heard on 2 March.

Smirnov had invited an attendee from the church to his home for lunch, where they had discussed religious issues. Prosecutors from Sevastopol's Gagarin District Prosecutor's Office sought an analysis from Andrei Mironov, who is described in the court decision as being a specialist in "religious studies" and "social philosophy" at Sevastopol State University. He claimed that Smirnov's actions were "missionary activity". An officer of the city police's Anti-Extremism Centre testified in the Magistrate's Court that Smirnov was guilty.

An official from Gagarin District Prosecutor's Office, who would not give his name, refused to discuss with Forum 18 on 25 February why it had initiated cases against church members Smirnov, Nemchinov and Kornev. He then put the phone down. Forum 18 was unable to ask why it had chosen Mironov to assess whether Smirnov had conducted "missionary activity".

Reached the same day, an officer of the city police's Anti-Extremism Centre who did not give his name listened to Forum 18's question as to why his Centre was involved in a case where an individual was punished for exercising his right to freedom of religion or belief and no extremism was involved. "Good day," he responded, and put the phone down.

Colleagues of Professor Mironov at Sevastopol State University told Forum 18 on 25 February that he was not in his office. He did not respond to an emailed request for comment.

House of the Potter Church members have repeatedly faced administrative prosecution for exercising their right to freedom of religion or belief. Four of its members – including the pastor, Mikhail Leppik – faced prosecution in January 2018 (https://www.forum18.org/archive.php?article_id=2441) under Russian Administrative Code Article 5.26, Part 4 for talking to people, offering leaflets and singing at a bus stop. Two church members were each fined 5,000 Russian Roubles (about five days' average local wages), while Leppik and a fourth church member were acquitted.

Following an inspection in October 2019, which found that House of the Potter Church had failed to inform the Justice Ministry of its existence, prosecutors brought a case against Pastor Leppik under Russian Administrative Code Article 19.7 ("Failure to provide or late provision of information to a state body"). On 16 December 2019, Magistrate's Court No. 7 issued Leppik with a warning (https://www.forum18.org/archive.php?article_id=2544).

Freed, but still on Rosfinmonitoring "List of Terrorists and Extremists"

In addition to these Russian Administrative Code cases, three individuals in Crimea have been convicted and jailed under Russia's Criminal Code to punish their exercise of freedom of religion or belief. Other criminal trials and investigations continue.

On 24 December 2020, Muslim Renat Suleimanov was freed from labour camp after completing his four-year sentence. He was punished on "extremism"-related charges for alleged membership of the Tabligh Jamaat Muslim missionary movement. After more than 15 months in pre-trial detention following his October 2017 arrest by the Russian FSB security service, the Crimean Supreme Court convicted him in January 2019 (https://www.forum18.org/archive.php?article_id=2444). Three others on trial with him were given two and a half year suspended sentences, when they live under restrictions.

Suleimanov served his sentence in a labour camp in Russia, where he spent months in a prison punishment cell (https://www.forum18.org/archive.php?article_id=2616).

Following his December 2020 release, Suleimanov returned to Crimea. In accordance with the 2019 verdict, he will spend one year under administrative supervision, his lawyer Roman Martynovskyy told Forum 18 from the Ukrainian capital Kyiv on 25 February 2021. During this time Suleimanov cannot leave his home district of Simferopol and must report twice a month. He is allowed to attend mosque.

Despite being released, Suleimanov remains on the Russian Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2215), whose assets banks are obliged to freeze. Small transactions of 10,000 Roubles (about 10 days' local wages) are permitted. Being added to the List leads to a variety of problems in everyday life, such as being unable to receive salaries, pensions, or benefits, renew insurance policies, or even purchase a phone SIM card.

Two still serving jail sentences

Two Crimean Jehovah's Witnesses are currently serving jail sentences on "extremism"-related charges in a labour camp in Kamensk-Shakhtinsky in Russia's Rostov-on-Don Region:

- Sergei Filatov, sentenced to six years with five years additional restrictions in March 2020 (https://www.forum18.org/archive.php?article_id=2552), for meeting with family and friends to discuss religious themes;

- and Artyom Gerasimov, sentenced to six years in June 2020 (https://www.forum18.org/archive.php?article_id=2577), for meeting with others to discuss the Bible.

Filatov and Gerasimov are like Suleimanov on the Russian Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2215).

Criminal cases underway

The trial of Jehovah's Witness Viktor Stashevsky began in Sevastopol in May 2020 (https://www.forum18.org/archive.php?article_id=2577) on "extremism"-related charges. After raids on homes in June 2019 (https://www.forum18.org/archive.php?article_id=2496), prosecutors accused him of continuing the activity of the Sevastopol Jehovah's Witness community.

Defence witnesses have testified against these charges (https://www.forum18.org/archive.php?article_id=2617), pointed out the difference between the organisation's activities – such as handling legal, financial and administrative matters – and individuals' activity of reading the Bible, praying and singing. Stashevsky faces a possible long prison term if convicted. The trial is due to resume on 3 March 2021, according to court records.

On 11 July 2019 Stashevsky was added to the Russian Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2215), whose assets banks are obliged to freeze (although small transactions are permitted)

A Sevastopol court placed a further four Crimean Jehovah's Witnesses in pre-trial detention in October 2020 (https://www.forum18.org/archive.php?article_id=2617). They are among five men under investigation in two "extremism"-related criminal cases. Prosecutors elsewhere in Crimea appear to be preparing criminal cases against other Jehovah's Witnesses.

List of individuals punished for "missionary" activity

The list of known 2020 prosecutions under Russian Administrative Code Article 5.26, Part 4, based on court records and other information (date of court hearing, name of individual/community, punishment, court, material on which prosecution based, appeal):

1) 2 March 2020

Name: Rasim Dervishev

Punishment: Fine 5,000 Russian Roubles

Court: Simferopol Magistrate's Court No. 13

Circumstances: Police, FSB security service, Prosecutors Office and the Emergency Situations Ministry raided the mosque where he was leading prayers just after prayers concluded (https://www.forum18.org/archive.php?article_id=2561) on 3 December 2019

Appeal: none

2) 4 March 2020

Name: P. Dzhemilov

Punishment: Fine 5,000 Russian Roubles

Court: Bakhchisarai Magistrate's Court No. 26

Circumstances: Led prayers and sermons in mosque between May 2019 and February 2020

Appeal: none

3) 4 March 2020

Name: T. Mamedov

Punishment: Fine 5,000 Russian Roubles

Court: Bakhchisarai Magistrate's Court No. 26

Circumstances: Led prayers and sermons in mosque without state permission to exist

Appeal: none

4) 10 March 2020

Name: Nishon Aslanov

Punishment: Fine 5,000 Russian Roubles

Court: Kiev District, Simferopol Magistrate's Court No. 9

Circumstances: FSB security service and prosecutors raided meeting for Muslim prayers in mosque without state permission to exist led by Aslanov

Appeal: none

5) 11 March 2020

Name: Viktor Vilensky

Punishment: Fine 5,000 Russian Roubles

Court: Yevpatoriya Magistrate's Court No. 40

Circumstances: leading meetings for worship at Messianic Jewish community in city of Sevastopol, while his community is registered in the Republic of Crimea, a separate jurisdiction.

Appeal: none

6) 1 June 2020

Name: Seitasan Mukhtarov

Punishment: Fine 5,000 Russian Roubles

Court: Belogorsk Magistrate's Court No. 30

Circumstances: Led prayers and sermons in mosque without Crimean Muslim Board approval

Appeal: none

7) 10 June 2020

Name: Yusuf Ashirov

Punishment: Fine 5,000 Russian Roubles

Court: Alushta Magistrate's Court No. 22

Circumstances: Led Friday prayers in independent mosque (https://www.forum18.org/archive.php?article_id=2561)

Appeal: rejected, Alushta City Court, 14 August 2020

8) 18 June 2020

Name: Dilyaver Osmanov

Punishment: Fine 5,000 Russian Roubles

Court: Belogorsk Magistrate's Court No. 32

Circumstances: Led Muslim religious community without state approval

Appeal: none

9) 19 October 2020

Name: Yevgeny Dudanov

Punishment: Fine 5,000 Russian Roubles

Court: Alushta Magistrate's Court No. 24

Circumstances: Administered Baptist group on VKontakte social platform

Appeal: none

10) 3 November 2020

Name: S. Alekseyev

Punishment: Fine 5,000 Russian Roubles

Court: Kerch Magistrate's Court No. 48

Circumstances: At FSB request, prosecutors inspected a meeting for worship of unknown faith led by Alekseyev

Appeal: none

11) 11 November 2020

Name: Ablyakim Galiyev

Punishment: Fine 5,000 Russian Roubles

Court: Sudak Magistrate's Court No. 86

Circumstances: FSB security service, anti-extremism police and prosecutors inspected a meeting for worship in Adzhi-Bey Mosque in the village of Dachnoe not approved by state or Crimean Muslim Board

Appeal: returned without consideration, Sudak City Court, 27 November 2020, court failed to inform lawyer of hearing

12) 19 November 2020

Name: Mukhammed Ablayev

Punishment: Fine 5,000 Russian Roubles

Court: Simferopol Magistrate's Court No. 81

Circumstances: Led Friday prayers and sermons in mosque not approved by the state or the Crimean Muslim Board with 50 to 100 attendees

Appeal: none

13) 14 December 2020

Name: A. Gaziyeu

Punishment: Fine 5,000 Russian Roubles

Court: Bakhchisarai Magistrate's Court No. 28

Circumstances: Led Friday prayers and sermons in mosque between October 2019 and December 2020 without approval from the Crimean Muslim Board

Appeal: none

(END)

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

For more background, see Forum 18's Crimea religious freedom survey (https://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 (<https://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 and belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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