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RUSSIA: 37 known "missionary activity" prosecutions in second half of 2020 – list

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

Forum 18 found 37 prosecutions in the second half of 2020 (3 of organisations and 34 of individuals) for violating Russia's July 2016 Administrative Code Article 5.26, Parts 4 and 5, which punish "illegal missionary activity". 27 of the prosecutions resulted in initial convictions, all being punished with fines (though 3 were overturned on appeal). The second half of 2020 saw a conviction rate of 84 per cent. Neither of the two convicted and fined foreigners was ordered deported.

Between the beginning of July and the end of December 2020, there were at least 37 prosecutions under Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") and Part 5 ("Foreigners conducting missionary activity"), according to Forum 18's analysis of available court records.

In the calendar year 2020, Forum 18 found a total of 79 cases (https://www.forum18.org/archive.php?article_id=2731), which represents a marked drop from 2019, which saw at least 100 cases (https://www.forum18.org/archive.php?article_id=2594). Lawyers and human rights defenders have noted a number of possible reasons for this, including the coronavirus pandemic and the "increased legal literacy" of religious communities.

The shift towards more prosecutions for Muslim religious activities, first observed by Forum 18 in 2019 and the first half of 2020, has continued (https://www.forum18.org/archive.php?article_id=2731).

(For a full analysis of such prosecutions between July 2020 and December 2021, see here (https://www.forum18.org/archive.php?article_id=2731)).

(See here for a full list of the 42 known cases in the first half of 2020 (https://www.forum18.org/archive.php?article_id=2595)).

Of the 37 cases known to have reached court between July and December 2020, three involved organisations and 34 individuals. Twenty-seven resulted in conviction and five in acquittal, while judges sent back four cases (another was closed because the statute of limitations had expired). The second half of 2020 therefore saw a conviction rate (for those cases which reached a verdict) of 84.38 per cent. All those convicted received fines, though three were later overturned on appeal.

Three foreigners were charged under Article 5.26, Part 5 ("Foreigners conducting missionary activity") – two were fined, but not ordered deported, and one was acquitted.

Russia has also imposed its "anti-missionary" legislation in the Ukrainian territory of Crimea, which it illegally occupied in 2014. At least 13 prosecutions under Article 5.26, Part 4 are known to have been launched in the calendar year 2020, all of which led to convictions and fines (https://www.forum18.org/archive.php?article_id=2641).

These prosecutions are based on amendments to the Administrative Code and Religion Law introduced in July 2016 as part of the "Yarovaya" package of "anti-terrorism" laws (https://www.forum18.org/archive.php?article_id=2246).

Religious organisations also continue to face prosecution under Administrative Code Article 5.26, Part 3 (https://www.forum18.org/archive.php?article_id=2246) ("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").

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List of known prosecutions in the second half of 2020

All prosecutions under Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") and Part 5 ("Foreigners

conducting missionary activity") known to have reached court in the first half of 2020 are listed below, ordered by date of court hearing. The list is based on court decisions and court records seen by Forum 18, and other information.

A fine of 50,000 Roubles represented just over four weeks' average wages in 2020 for those in work or 13 weeks' average state retirement pension.

1) 6 July 2020

Part 5

Name: Valery Zukkau

Punishment: 30,000 Roubles without deportation

Court: Zakamensk District Court, Republic of Buryatiya

Circumstances: same case as Kushnarev (below) – Baptist and German citizen charged because he "read the Bible and interpreted it from the point of view of [Baptist beliefs], [and] called on those present to become followers of the Church of Evangelical Christian-Baptists", without documents authorising him to carry out missionary activity, while on a trip to the countryside with parishioners (later interrupted by two FSB border force officers, as trip took place in border zone) – two people then made written reports that they were not members of the church and had been invited on the trip by presbyter Kushnarev (below)

Appeal: unsuccessful – 4 August 2020, Supreme Court of Republic of Buryatiya; cassational, unsuccessful – 29 October 2020, 8th Cassational Court, Kemerovo

2) 13 July 2020

Name: I.L. Arndt

Punishment: unknown fine

Court: Lazarevsky District Magistrate's Court No. 96, Sochi, Krasnodar Region

Circumstances: unknown

Appeal: none

3) 23 July 2020

Name: Aleksey Petrovich Kushnarev

Punishment: 5,000 Roubles

Court: Zakamensk District Magistrate's Court, Republic of Buryatiya

Circumstances: same case as Zukkau (above) – Baptist presbyter charged because he "read sermons, read the Bible, sang religious songs" and "pointed out the advantages of [his beliefs] over other religions" at a parish picnic in the countryside (later interrupted by two FSB border force officers, as trip took place in border zone); two attendees, one of whom was an FSB officer (who stated that he was not there on duty), testified that they were not members of the church and had been invited by defendant

Appeal: unsuccessful – 20 October 2020, Zakamensk District Court, Republic of Buryatiya

4) 4 August 2020

Name: Roman Viktorovich Finogenov

Punishment: 35,000 Roubles

Court: Anapa City Court, Krasnodar Region

Circumstances: pastor of Pentecostal "Tree of Life" Church (religious group) charged for creating website inviting people to services and displaying his phone number for people to seek further information, without having submitted notification of existence of religious group: "These actions testify to the dissemination of information about beliefs among persons who are not participants

(members, followers) of this religious association, in order to involve these persons as participants (members, followers) of the religious association.. So, in the absence of notification of the beginning of the activities of the religious association 'Tree of Life Church – Anapa', the [defendant] in disseminating information about the activities of the religious association, carried out missionary activities."

Appeal: none

5) 7 August 2020

Part 5

Name: Firuz Ilkhomkhudzhayevich Aluyev

Punishment: none – acquitted

Court: Bezhitsky District Court, Bryansk

Circumstances: Muslim student of unknown citizenship charged by police (apparently after report of violation of Religion Law) for performing namaz with five fellow students in university hostel, "not having the proper education and not belonging to a religious organisation"; judge cites 2018 Constitutional Court definition of "missionary activity" (https://www.forum18.org/archive.php?article_id=2377) and notes that no evidence presented that defendant disseminated information about his beliefs among people who were not adherents of those beliefs, and that "In itself, the collective reading of prayers and the conduct of religious rites without the presence of the defining feature of missionary activity does not constitute an offence" under Part 5

Appeal: none

6) 18 August 2020

Name: V. Yu. Gruzdev

Punishment: none – acquitted

Court: Soviet District Magistrate's Court No. 22, Ryazan

Circumstances: Society for Krishna Consciousness adherent charged by police for chanting mantras during a street procession, "aimed at involving citizens of Ryazan in a religious group in which they were not participants" ; judge does not cite 2018 Constitutional Court ruling (https://www.forum18.org/archive.php?article_id=2377) explicitly, but takes principles into account in concluding that defendant "committed no actions aimed at disseminating information about his beliefs among persons who were not participants (members, followers) of this religious association, with the aim of involving these persons as participants (members, followers) of the religious association by means of an appeal to their consciousness, will, [or] feelings".

Appeal: none

7) 24 August 2020

Name: Vitaly Viktorovich Solokhnenko

Punishment: unknown fine

Court: Petropavlovsk-Kamchatsky District Magistrate's Court No. 8, Kamchatka Region

Circumstances: unknown

Appeal: none

8) 26 August 2020

Name: Barakyat Local Muslim Religious Organisation

Punishment: 50,000 Roubles

Court: Zaslavyazhsky District Magistrate's Court No. 8, Ulyanovsk

Circumstances: after Justice Ministry inspection, based on information from FSB, local Muslim organisation charged for "carrying out its activities" on a land plot belonging to another religious association (Regional Spiritual Administration of Muslims of Ulyanovsk Region), to which former has no formal right of use; defence argued building is a mosque and that no non-Muslims are present; judge noted 2018 Constitutional Court definition (https://www.forum18.org/archive.php?article_id=2377) but convicts on basis of property rights and testimony of witness that imam and women working at mosque told her about Islam when asked and she subsequently converted.

Appeal: unsuccessful – 30 September 2020, Zaslavyazhsky District Court, Ulyanovsk

9) 28 August 2020

Name: Eduard Anatolyevich Grabovenko

Punishment: none – acquitted

Court: Motovilikha District Magistrate's Court No. 4, Perm

Circumstances: Pentecostal pastor (Russian Church of Evangelical Christians (Pentecostals)) charged for posting video for children on New Testament Church's YouTube channel entitled "Who does not believe in the Lord deserves death!", found by police during internet monitoring – expert conclusion states that this may exert "intense psychological influence" and violates Federal Law "On the protection of children from information harmful to their health and development"; Article 24.2 of Religion Law prohibits missionary activity which may harm the morality and health of citizens; other employees of church testify that posting videos online is the responsibility of the technical department, not the senior pastor; judge cites Constitutional Court's 2018 clarification of missionary activity (https://www.forum18.org/archive.php?article_id=2377); police report cites incorrect date of posting and does not give exact address of video (only search query); judge concludes that there is no evidence that pastor posted specific video – case file contains screenshot and CD-ROM showing only video about Easter.

Appeal: none

10) 10 September 2020

Name: Aleksey Borisovich Stepanov

Punishment: none – acquitted

Court: Solombalsky District Magistrate's Court No. 1, Arkhangelsk

Circumstances: Council of Churches Baptist pastor charged with unlawful missionary activity on a date on which he was in fact in hospital; police used date of registration of materials relating to the case, rather than proven date of alleged offence

Appeal: none

11) 16 September 2020

Name: Friendship [Druzhba] Cultural Educational Centre

Punishment: 100,000 Roubles

Court: Kurchatovsky District Magistrate's Court No. 8, Chelyabinsk

Circumstances: after prosecutor's office and FSB inspection, cultural centre charged for carrying out missionary activity in residential premises and while not registered as a religious organisation, ie. running a madrasah for children in a property given to director for free use as his residence; court concludes that no evidence was presented of parental consent for all but four children, or that all the children and their parents were Muslims; appeal judge acquits on basis of 2018 Constitutional Court definition (https://www.forum18.org/archive.php?article_id=2377) (ie. no evidence presented that children followed any other faith, holding of religious rites and ceremonies and teaching of religion do not in themselves constitute missionary activity, therefore "defining feature" lacking) and fact that onus is on prosecution to prove guilt

Appeal: successful (no offence committed) – 7 December 2020, Kurchatovsky District Court, Chelyabinsk

12) 17 September 2020

Name: Ruzil Ravilevich Gafarov

Punishment: 5,000 Roubles

Court: Kurchatovsky District Magistrate's Court No. 7, Chelyabinsk

Circumstances: unknown

Appeal: none

13) 23 September 2020

Name: Arzi Rashidovich Vushizov

Punishment: none – sent back for technical reasons

Court: Rovnoye District Magistrate's Court No. 1, Saratov Region

Circumstances: same case as Bishanlo (below) – after inspection by Centre for Countering Extremism, Muslim charged for holding prayers in prayer house without submitting notification of the existence of a religious group and without carrying authorisation from a religious group

Appeal: none

14) 6 October 2020

Name: Local Muslim Religious Organisation "Makhallya Syuyumbike" No. 2735

Punishment: 50,000 Roubles

Court: Cherdakly District Magistrate's Court No. 2, Ulyanovsk Region

Circumstances: after inspection by FSB, local Muslim organisation charged for holding services in a mosque for which the building permit had been annulled, led by an imam who had no authorising documents from the organisation; also charged under Part 3.

Appeal: unsuccessful – 7 December 2020, Cherdakly District Court, Ulyanovsk Region

15) 9 October 2020

Name: Andrey Ivanovich Zhuravlyov

Punishment: 5,000 Roubles

Court: Factory District Magistrate's Court No. 5, Novokuznetsk, Kemerovo Region

Circumstances: Protestant pastor fined for holding services on residential premises in the presence of people who were not members of the church; defence appeal noted 2018 Constitutional Court definition (https://www.forum18.org/archive.php?article_id=2377)

Appeal: successful (statute of limitations) – 8 December 2020, Factory District Court, Novokuznetsk, Kemerovo Region

16) 12 October 2020

Name: Nikolay Ivanovich Pilnyak

Punishment: 5,000 Roubles

Court: Tayga Magistrate's Court No. 1, Kemerovo Region

Circumstances: Evangelical Protestant pastor charged for holding worship meetings at his home, uploading videos of them to VKontakte, and carrying out evangelisation and baptisms among people his church helps – without having submitted notification of the existence of a religious group

Appeal: cassational, unsuccessful – 5 March 2021, 8th Cassational Court, Kemerovo

17) 12 October 2020

Name: Omar Gosenkhanovich Gambulatov

Punishment: none – case sent back and not resubmitted

Court: Zimovniki District Magistrate's Court No. 1, Rostov Region

Circumstances: from November 2021, chairman of "Iskhan" Local Muslim Religious Organisation – details unknown (unclear whether same case as Zagirov – below)

Appeal: none

18) 13 October 2020

Name: A.M. Zagirov

Punishment: none – sent back for lack of evidence (and not resubmitted)

Court: Zimovniki District Magistrate's Court No. 2, Rostov Region

Circumstances: Muslim charged for carrying out unspecified missionary activity without being a member of the Spiritual Administration of Muslims of Rostov Region – judge notes absence of evidence that police had sought or received confirmation of this from the Spiritual Administration, or any evidence of any people to whom defendant had disseminated his beliefs (unclear whether same case as Gambulatov – above).

Appeal: none

19) 13 October 2020

Name: Kasim Magomedapandiyevich Dzhantemirov

Punishment: 5,000 Roubles

Court: Martynovsky District Magistrate's Court No. 1, Rostov Region

Circumstances: leader of Muslim religious group "Khidayat" charged by police for carrying out unspecified "missionary activity" in the group's prayer house without authorisation from the religious group

Appeal: none

20) 14 October 2020

Part 5

Name: Yury Nikolayevich Sidorenko

Punishment: 30,000 Roubles without deportation

Court: Engels District Court, Saratov Region

Circumstances: unknown citizenship, unknown religious affiliation; defendant charged for carrying out unspecified missionary activity without having submitted notification of the existence of a religious group

Appeal: none

21) 22 October 2020

Name: Yury Sergeyevich Biryukov

Punishment: 5,000 Roubles

Court: Soviet District Magistrate's Court No. 3, Oryol

Circumstances: Hare Krishna adherent charged by police for posting invitation to religious event on VKontakte without authorisation from his religious group to carry out missionary activity – despite fact that post was made in VKontakte group for members of community; two witnesses who were not members of the religious group testified that they had attended the worship service, having found the information online; judge notes that defendant's actions meet the Constitutional Court's 2018 definition of missionary activity (https://www.forum18.org/archive.php?article_id=2377).

Appeal: unsuccessful – 1 December 2020, Soviet District Court, Oryol

22) 23 October 2020

Name: Vladimir Vladimirovich Lakhtikov

Punishment: none – case sent back and not resubmitted

Court: Soviet District Magistrate's Court No. 19, Ryazan

Circumstances: Council of Churches Baptist pastor – details unknown

Appeal: by prosecutor, unsuccessful (rejected without consideration) – 15 February 2021, Soviet District Court, Ryazan

23) 27 October 2020

Name: Pansher Abdurovich Bishanlo

Punishment: 5,000 Roubles

Court: Rovnoye District Magistrate's Court No. 1, Saratov Region

Circumstances: same case as Vushizov (above) – after inspection by Centre for Countering Extremism, imam charged for holding prayers in Muslim prayer house without submitting notification of existence of religious group and without carrying authorisation from a religious group; defendant states that he carries out missionary activity on behalf of the Spiritual Administration of Muslims of Saratov Region, but has no documents confirming this.

Appeal: none

24) 2 November 2020

Name: Pavel Aleksandrovich Ergardt

Punishment: 5,000 Roubles

Court: Myski Magistrate's Court No. 2, Kemerovo Region

Circumstances: Council of Churches Baptist pastor charged by police for holding service in prayer house, without having submitted notification of the existence of a religious group; witness stated that defendant had repeatedly invited him and others to services; defence appeal noted both 2018 Constitutional Court definition of missionary activity (https://www.forum18.org/archive.php?article_id=2377) and Constitutional Court ruling of 15 October 2018 which states that lack of notification is not grounds for prosecution under Part 4

Appeal: unsuccessful – 17 December 2020, Myski City Court, Kemerovo Region

25) 6 November 2020

Name: Sergey Zhamsuyevich Baldanov

Punishment: 10,000 Roubles

Court: Central District Magistrate's Court No. 250, Sochi, Krasnodar Region

Circumstances: Falun Gong adherent charged by prosecutor on basis of FSB surveillance, for distributing literature in a square next to a monument, without authorisation from a Falun Gong religious organisation; "using the printed edition of the book 'Falun Gong'

by the author Li Hongzhi, [defendant] convinced people of the need to study and disseminate religious and philosophical teachings, involved potential followers in participating in practical exercises, [and invited them] to acquaint themselves with other literature on [a Falun Dafa website]".

Appeal: unsuccessful on 15 January 2021, Central District Court, Sochi; cassational, successful (case sent for re-examination at district court) – 6 July 2021, 4th Cassational Court, Krasnodar; original verdict upheld at repeat appeal – 15 November 2021, Central District Court, Sochi

26) 16 November 2020

Name: A. Yu. Laptev

Punishment: 5,000 Roubles

Court: Tractor Factory District Magistrate's Court No. 6, Chelyabinsk

Circumstances: charged for holding services in a temporary church (in own flat) of the under construction New Iveriya / Nativity of Christ monastery without submitting notification of the existence of a religious group.

Appeal: none

27) 20 November 2020

Name: Dmitry Aleksandrovich Berdnikov

Punishment: 5,000 Roubles

Court: Pochep District Magistrate's Court No. 48, Bryansk Region

Circumstances: Council of Churches Baptist pastor charged by police and Interior Ministry Counter-Extremism centre personnel (who attended and filmed worship) for holding services in parishioner's home without authorisation from religious group and without submitting notification of existence of religious group; defendant also charged under Part 3 (for lack of a sign on the premises – case closed on 20 November 2020) and Article 19.7 (considered alongside Part 4).

Appeal: unsuccessful – 18 January 2021, Pochep District Court, Bryansk Region

28) 20 November 2020

Name: S.G. Barabanov

Punishment: none – acquitted

Court: Kurchatovsky District Magistrate's Court No. 4, Chelyabinsk

Circumstances: Society for Krishna Consciousness adherent charged for reading scripture at home and posting it on the internet – interpreted by law enforcement as missionary activity on residential premises

Appeal: none

29) 16 December 2020

Name: Aleksandr Viktorovich Smitchenko (Archimandrite Artyomy)

Punishment: 5,000 Roubles

Court: Neklinovsky District Magistrate's Court No. 2, Rostov Region

Circumstances: Russian Orthodox Autonomous Church priest charged (by prosecutor, after report from member of the public who attended service) for holding service in a church "where the participants sang religious hymns, read the Bible, [and] prayed, and for disseminating his beliefs there among persons who are not participants (members) of a religious association, in order to involve them as participants (members, followers) of the religious association, the Sovetka village podvorye of the Suzdal Diocese of the Russian Orthodox Autonomous Church" – without authorisation from a religious group and without submitting notification of the existence of a religious group

Appeal: none

30) 17 December 2020

Name: Mukhammad Bikhishti Matlabkhonovich Isayev

Punishment: unknown fine

Court: Bolshoye Selo District Magistrate's Court No. 1, Yaroslavl Region

Circumstances: unknown

Appeal: none

31) 24 December 2020

Name: N.A. Vesina

Punishment: none – statute of limitations

Court: Novorossiysk Magistrate's Court No. 83, Krasnodar Region

Circumstances: Society for Krishna Consciousness adherent charged by Interior Ministry Counter-Extremism Centre for creating website with information about religious events without submitting notification of the existence of a religious group

Appeal: none

32) 29 December 2020

Name: Magomed Shamsulvarayevich Gazimagomedov

Punishment: 5,000 Roubles

Court: Kirov District Magistrate's Court No. 94, Makhachkala, Republic of Dagestan

Circumstances: after inspection by police, FSB, and Interior Ministry counter-extremism officers, Muslim charged for conducting lessons in Arabic grammar and Islam without authorising documentation; same case as Musayeva, Abulmuslimova, Abakarova, and Kolova (see below)

Appeal: none

33) 29 December 2020

Name: Aminat Sakhratulayevna Musayeva

Punishment: 5,000 Roubles

Court: Kirov District Magistrate's Court No. 94, Makhachkala, Republic of Dagestan

Circumstances: after inspection by police, FSB, and Interior Ministry counter-extremism officers, Muslim charged for conducting lessons in Arabic grammar and Islam without authorising documentation; same case as Gazimagomedov (see above) and Abulmuslimova, Abakarova, and Kolova (see below)

Appeal: none

34) 29 December 2020

Name: Rukiyat Khalidovna Abulmuslimova

Punishment: 5,000 Roubles

Court: Kirov District Magistrate's Court No. 94, Makhachkala, Republic of Dagestan

Circumstances: after inspection by police, FSB, and Interior Ministry counter-extremism officers, Muslim charged for conducting lessons in Arabic grammar and Islam without authorising documentation; same case as Gazimagomedov and Musayeva (see above) and Abakarova and Kolova (see below)

Appeal: none

35) 29 December 2020

Name: Ayshat Magomedovna Abakarova

Punishment: 5,000 Roubles

Court: Kirov District Magistrate's Court No. 94, Makhachkala, Republic of Dagestan

Circumstances: after inspection by police, FSB, and Interior Ministry counter-extremism officers, Muslim charged for conducting lessons in Arabic grammar and Islam without authorising documentation; same case as Gazimagomedov, Musayeva, and Abulmuslimova (see above) and Kolova (see below)

Appeal: none

36) 29 December 2020

Name: Bayzanat Gadzhiyevna Kolova

Punishment: 5,000 Roubles

Court: Kirov District Magistrate's Court No. 94, Makhachkala, Republic of Dagestan

Circumstances: after inspection by police, FSB, and Interior Ministry counter-extremism officers, Muslim charged for conducting lessons in Arabic grammar and Islam without authorising documentation; same case as Gazimagomedov, Musayeva, Abulmuslimova, and Abakarova (see above)

Appeal: none

37) 29 December 2020

Name: Magomedrasul Gaydarovich Gimbatov

Punishment: 5,000 Roubles

Court: Railway District Magistrate's Court No. 3, Khabarovsk

Circumstances: imam and head of education department of Spiritual Administration of Muslims of Asiatic Russia charged for holding Friday prayers in mosque belonging to Administration (centralised religious organisation), without having submitted notification of existence of religious group and without authorisation from religious group; appeal judge concludes that case materials contain insufficient evidence of offence

Appeal: successful (unproven circumstances) – 23 March 2021, Railway District Court, Khabarovsk

(END)

More reports on freedom of thought, conscience and belief in Russia (<https://www.forum18.org/archive.php?country=10>)

For background information, see Forum 18's survey of the general state of freedom of religion and belief in Russia (https://www.forum18.org/archive.php?article_id=2246), as well as Forum 18's survey of the dramatic decline in this freedom related to Russia's Extremism Law (https://www.forum18.org/archive.php?article_id=2215)

A personal commentary by the Director of the SOVA Center for Information and Analysis (<https://www.sova-center.ru>), Alexander Verkhovsky, about the systemic problems of Russian "anti-extremism" laws (https://www.forum18.org/archive.php?article_id=1468)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments

(https://www.forum18.org/archive.php?article_id=1351)

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