

5 July 2022

CRIMEA: "Punished simply for conducting communal prayers"

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

After two Crimean Tatars attended Friday prayers and handed recordings to Russia's FSB security service, prosecutors brought a case against Emir Medzhitov under Russia's anti-missionary law. A court in Dzhankoi fined him three weeks' average local wages. Prosecutor's Office official Natalya Tishchenko – who led the case in court – put the phone down when asked why the Prosecutor's Office had opened the case at the instigation of Russia's FSB security service and why Medzhitov had been punished for exercising freedom of religion or belief.

On 16 June, Dzhankoi District Court in Russian-occupied Crimea rejected Emir Medzhitov's appeal against a fine of three weeks' average local wages for leading Friday prayers in a mosque. His public defender Aider Suleimanov insisted that the prosecution had not proved that Medzhitov had conducted the "missionary activity" for which he was punished. "It turns out that Emir was punished simply for conducting communal prayers," Suleimanov complained.

Dzhankoi District Prosecutor's Office official Natalya Tishchenko – who led the case in court – put the phone down when Forum 18 asked why the Prosecutor's Office had opened a case against Medzhitov at the instigation of Russia's FSB security service and why he had been prosecuted and punished for exercising freedom of religion or belief (see below).

Medzhitov is one of four individuals known to have been punished in Russian-occupied Crimea in the first half of 2022 under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity"). Three (including Medzhitov) were Crimean Tatar Muslims fined for leading prayers in their own communities. The fourth, Liana Palyokha, led worship in a Pentecostal group (see below).

Another of the four individuals fined, Reshat Seidaliyev, led worship in the Ikhlyas Muslim community in Simferopol District, the area around Crimea's capital. The District Prosecutor's Office drew up a record of an offence, claiming that Seidaliyev "conducted services (namaz) for an undetermined circle of people who were not members (or followers) of the given religious group" (see below).

Simferopol District Prosecutor's Office refused to put Forum 18 through to District Prosecutor Sergei Zaitsev or any of his assistants. Asked why the Prosecutor's Office sought to punish Seidaliyev for exercising his right to freedom of religion or belief and who was guilty for drawing up the record of an offence, an official of the chancellery responded: "An assistant to the prosecutor can't be guilty" (see below).

A further three individuals – Protestants accused of giving out leaflets outside a shopping centre in Kerch - had the cases against them under Russian Administrative Code Article 5.26, Part 4 dismissed (see below).

A further five individuals are awaiting court hearings under Russian Administrative Code Article 5.26, Part 4. One hearing is due on 7 July in Belogorsk, where Ibrakhim Alimov is being prosecuted after police found him leading Friday prayers in a mosque. The duty officer at Belogorsk District Police confirmed that it had conducted an inspection resulting in the record of an offence against Alimov. However, the officer – who did not give his name – refused to give any other information (see below).

Another hearing is due on 12 July in Lenino. Prosecutors handed cases against three Council of Churches Baptists to court in Saki on 1 July, but no date has been set for the hearings (see below).

The 7 known individuals punished in Russian-occupied Crimea under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") between January and June 2022 and the 5 known individuals awaiting court hearings are listed below.

All 23 of the similar administrative prosecutions against individuals under Russia's "anti-missionary" laws in 2021 in Russian-occupied Crimea led to convictions and fines (https://www.forum18.org/archive.php?article_id=2720). Four were Imams 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 places of worship during meetings for worship.

In the first half of 2022, Magistrate's Courts in Crimea have also heard cases 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"). The cases were brought against religious communities which failed to display their full official legal name on internet postings, on literature or outside the place where they meet for worship.

Among such cases, on 30 May Simferopol's Magistrate's Court No. 16 fined the city's Old Believer community 30,000 Russian Roubles for failing to display its full official legal name on its page "Old Believers of Crimea" on the Russian social media site VKontakte. As a first time "offence", and one which did not cause harm to life or health or the "security of the state", however, the Judge commuted the fine to a warning, according to the decision seen by Forum 18.

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.

Since the annexation, Russia has imposed in the peninsula all its restrictive laws on the exercise of freedom of religion or belief. Muslims and Jehovah's Witnesses have been jailed. Several Jehovah's Witnesses are currently on trial in Crimea.

In March 2021, a Sevastopol court handed down the longest jail term yet in Crimea on "extremism"-related charges to punish an individual for exercising freedom of religion or belief. Gagarin District Court jailed Jehovah's Witness Viktor Stashevsky for six and a half years (https://www.forum18.org/archive.php?article_id=2694). His prison term is to be followed by a seven-year ban on educational activity, speaking publicly and publishing in the media and on the internet (which would be due to end in July 2034, when he would be 68).

Penalties for ill-defined "missionary" activity

The 7 Russian Administrative Code cases in Crimea which reached a conclusion in the first half of 2022 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 deportation.

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 its report, the United Nations Human Rights Monitoring Mission in Ukraine pointed to the many fines handed down in Crimea under Russian Administrative Code Article 5.26. Its report "Civic Space and Fundamental Freedoms in Ukraine" (<https://www.ohchr.org/Documents/Countries/UA/UkraineCivicSpace2021-EN.pdf>), published on 8 December 2021, noted that "the application of anti-extremist laws of the Russian Federation, commonly referred to as the 'Yarovaya package', [...] significantly limited the ability of various religious groups to conduct religious practices together by banning broadly defined 'missionary activities'."

Prosecutions have also been 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 Russia's 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.

(On 4 May 2022, Russia's General Prosecutor's Office declared the activity of the Crimean Human Rights Group to be "undesirable". "Undesirable organisations" are banned from functioning in Russia (https://www.forum18.org/archive.php?article_id=2707), while anyone involved with them can be punished, including with jail terms.)

Prosecuted for leading prayers in mosque

Russia's Federal Security Service (FSB) alerted Dzhankoi Inter-District Prosecutor's Office on 18 February that "illegal activity" was underway in the mosque in the village of Oktyabr, 15 kms (10 miles) south-east of Dzhankoi. The mosque does not have registration with the Russian authorities. As Prosecutor's Office official Natalya Tishchenko told the subsequent court hearing, the Prosecutor's Office then organised an inspection of the mosque.

The court decision says a Crimean Tatar man who attended the mosque for Friday prayers on 11 February returned on 18 February with an acquaintance to film, record and take photos of the prayers "to pass on to the competent authorities". These appear to have been Russia's FSB.

On 4 March, the then 35-year-old Emir Medzhitov was leading Friday prayers in the mosque when officials from a range of agencies arrived. "During the namaz, they came in to look at us," Medzhitov told Crimean Solidarity. "First they opened the door and looked at what we were doing, and we completed all our rituals. When we went outside they asked us not to disperse."

Medzhitov said the officials were from the police, the Prosecutor's Office and the Russian Emergency Situations Ministry, and possibly also from Russia's Federal Security Service (FSB) and Russia's National Guard (Rosgvardiya). Officials claimed to the Muslims that they were searching for someone and took personal details of all those present.

Officials asked Medzhitov and two other Muslims (as witnesses) to write statements, which they did.

The police wrote that after the inspection in the mosque, they had established that Medzhitov "conducted a religious event without being a member or leader of a [registered] religious organisation, and also did not have a document confirming his powers to conduct missionary activity".

On 23 March, Prosecutors in Dzhankoi brought a case against Medzhitov under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activities"). On 25 March, Prosecutors handed the case to Dzhankoi Magistrate's Court No. 37.

Prosecutor's Office official Tishchenko – who led the case in court – put the phone down on 5 July when Forum 18 asked why the Prosecutor's Office had opened a case against Medzhitov at the instigation of Russia's FSB security service and why he had been prosecuted and punished for exercising freedom of religion or belief.

At the final hearing on 11 May, Judge Dmitry Yastrebov found Medzhitov guilty and fined him 20,000 Russian Roubles, according to the decision seen by Forum 18. The fine represents about three weeks' average local wages.

The prosecution case was supposedly based on the testimony of the two witnesses and the Judge had ordered in an earlier hearing that they appear. However, they failed to appear and the Judge decided the case without their testimony or allowing them to be questioned.

Instead, several regular attendees appeared in the case. They testified that they had attended the mosque for many years, that attending Friday prayers is an obligation for all Muslims, and that various mosque attendees led the prayers. "In the view of the defence, this should be enough to prove the absurdity of the whole administrative case," Medzhitov's public defender Aider Suleimanov told Crimean Solidarity after the fine was handed down.

Judge Yastrebov had already rejected Suleimanov's request to have the case thrown out "because of the absence of an offence", as well as certain "evidence" withdrawn as it was inaccurate.

Medzhitov appealed against the punishment to Dzhankoi District Court. However, on 16 June Judge Yelena Nikolayeva rejected his appeal, according to the decision seen by Forum 18. Suleimanov requested that the appeal hearing be open, arguing that coronavirus restrictions had been lifted, but the Judge rejected this. She also refused to allow those present to record or photograph the proceedings, Crimean Solidarity noted.

In a statement outside the court afterwards, Suleimanov insisted that the prosecutors should have provided proof not only that Medzhitov had conducted Friday prayers, but that he had also conducted "missionary activity". Prosecutors had failed to prove this, Suleimanov added.

"It turns out that Emir was punished simply for conducting communal prayers," Suleimanov said. "This alone [should have been] enough to halt the case."

Suleimanov said Medzhitov would be lodging an appeal to Crimea's Supreme Court. No further appeal is yet noted on the court website.

Another Muslim prayer leader fined

Reshat Seidaliyev led worship in the Ikhlyas Muslim community in Simferopol District, the area around Crimea's capital. The District Prosecutor's Office drew up a record of an offence against Seidaliyev under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity"). It claimed that Seidaliyev "conducted services (namaz) for an undetermined circle of people who were not members (or followers) of the given religious group".

The District Prosecutor's Office also claimed that Seidaliyev did not have the appropriate written authority to lead worship from the Crimean Muftiate, a body that the Russian authorities appear to want to control all Muslim activity on the peninsula.

Simferopol District Prosecutor's Office refused to put Forum 18 through on 30 June to District Prosecutor Sergei Zaitsev or any of his assistants. Asked why the Prosecutor's Office sought to punish Seidaliyev for exercising his right to freedom of religion or belief and who was guilty for drawing up the record of an offence, an official of the chancellery responded: "An assistant to the prosecutor can't be guilty." She then put the phone down.

Simferopol District Prosecutor's Office handed the case to Magistrate's Court No. 76 on 22 April. On 19 May, Judge Tatyana Kiryukhina found Seidaliyev guilty, according to the decision seen by Forum 18.

Given the "character of the administrative offence committed, the personality of the guilty individual, the circumstances mitigating the administrative offence and the absence of exacerbating circumstances", Judge Kiryukhina chose to fine Seidaliyev at the lower end of the scale of possible fines. She fined him 10,000 Russian Roubles. The fine represents about ten days' average local wages.

Seidaliyev did not appeal against the punishment.

Hearings awaited

Prosecutors have presented to court 5 further cases against individuals under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity").

Judge Aleksandr Oleinikov is due to hear the case against Ibrakhim Alimov at Magistrate's Court No. 30 in the southern town of Belogorsk on 7 July. "Police prepared the record of an offence against him for leading namaz prayers," a court official told Forum 18 on 5 July. She declined to discuss whether it is right that individuals are prosecuted for leading prayers in a place of worship.

The duty officer at Belogorsk District Police confirmed that it had conducted an inspection resulting in the record of an offence against Alimov. However, the officer – who did not give his name – refused to give any other information.

Judge Arslan Kulunchakov is due to hear the case against N. Almezhitov at Magistrate's Court No. 63 in the eastern town of Lenino on 12 July. Court officials refused to give Forum 18 any information on the case on 5 July.

Prosecutors handed cases against three Council of Churches Baptists - Sergei Gerasimenko, Pyotr Shokha and Leonid Shokha - to court on 1 July in the western town of Saki, where they are due to be heard by Judge Anatoly Smoly. No date has yet been set for the hearings.

Courts have repeatedly fined Baptists from Saki for violating Russia's restrictive laws since the invasion and annexation of Crimea in 2014. Most recently, in separate cases in July and October 2021, courts in Saki fined two Baptists 5,000 Russian Roubles (https://www.forum18.org/archive.php?article_id=2720) (about 5 days' average wage) each for offering religious literature to others.

Various members of the Shokha family were jailed as prisoners of conscience in the Soviet period to punish them for exercising their freedom of religion or belief as Baptists.

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List of individuals punished for "missionary" activity

The list of 7 known prosecutions between January and June 2022 under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity"), based on court records and other information (date of court hearing, name of individual/community, punishment, court, material on which prosecution based, appeal):

1) 18 February 2022

Name: Liana Palyokha

Punishment: Fine 7,000 Russian Roubles

Court: Belogorsk Magistrate's Court No. 31

Circumstances: Prosecutors launched case after Russian FSB investigation found her leading worship in Pentecostal group which had informed the Russian authorities of its existence

Appeal: none

2) 28 February 2022

Name: Sofiya Novoselova

Punishment: none

Court: Kerch Magistrate's Court No. 46

Circumstances: Police drew up record of an offence (also involving Ivan Nemchinov and Yevgeniya Kubenko – see below) on 18 February 2022 for handing out religious leaflets outside shopping centre. Case returned to prosecutor, prosecutor appealed. 27 April 2022 Kerch City Court rejected prosecutor's protest as filed too late

Appeal: none

3) 10 March 2022

Name: S. Ablyazimov

Punishment: Fine 5,000 Russian Roubles

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

Circumstances: Led Friday prayers for about 20 fellow-worshippers without state permission

Appeal: none

4) 11 May 2022

Name: Emir Medzhitov

Punishment: Fine 20,000 Russian Roubles

Court: Dzhankoi Magistrate's Court No. 37

Circumstances: Imam led Friday prayers in mosque

Appeal: unsuccessful, Dzhankoi District Court, 16 June 2022

5) 18 May 2022

Name: Yevgeniya Kubenko

Punishment: none

Court: Kerch Magistrate's Court No. 46

Circumstances: Police drew up record of an offence (also involving Ivan Nemchinov and Sofiya Novoselova) on 18 February 2022 for handing out religious leaflets outside shopping centre. Magistrate's Court first returned case to prosecutor 28 February 2022, prosecutor appealed. 29 April 2022 Kerch City Court overturned decision to return, case sent for new consideration. Case closed

Appeal: none

6) 18 May 2022

Name: Ivan Nemchinov

Punishment: none

Court: Kerch Magistrate's Court No. 46

Circumstances: Police drew up record of an offence (also involving Sofiya Novoselova and Yevgeniya Kubenko) on 18 February 2022 for handing out religious leaflets outside shopping centre. Magistrate's Court first returned case to prosecutor 28 February 2022, prosecutor appealed. 29 April 2022 Kerch City Court overturned decision to return, case sent for new consideration. Case closed

Appeal: none

7) 19 May 2022

Name: Reshat Seidaliyev

Punishment: Fine 10,000 Russian Roubles

Court: Simferopol Magistrate's Court No. 76

Circumstances: Led prayers in Muslim group without Russian official approval

Appeal: none

List of individuals awaiting hearings for "missionary" activity

The list of 5 known individuals awaiting hearings under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity"), based on court records and other information (date of court hearing, name of individual/community, court, material on which prosecution based, appeal):

1) 7 July 2022

Name: Ibrakhim Alimov

Court: Belogorsk Magistrate's Court No. 30

Circumstances: Police found him leading Friday prayers in a mosque. Case due to be heard 7 July 2022

2) 12 July 2022

Name: N. Almezhitov

Court: Lenino Magistrate's Court No. 63

Circumstances: Case due to be heard 12 July 2022

3) unknown date

Name: Sergei Gerasimenko

Court: Saki District Magistrate's Court No. 71

Circumstances: Council of Churches Baptist. Case handed to court 1 July 2022

4) unknown date

Name: Pyotr Shokha

Court: Saki District Magistrate's Court No. 71

Circumstances: Council of Churches Baptist. Case handed to court 1 July 2022

5) unknown date

Name: Leonid Shokha

Court: Saki District Magistrate's Court No. 71

Circumstances: Council of Churches Baptist. Case handed to court 1 July 2022

(END)

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

For background information, 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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