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CRIMEA: ANTI RELIGIOUS PROSECUTIONS IN 2018 AND 2019¹

Felix Corley, *Forum 18*

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 were 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 eight ended in punishment.²

"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 labor." 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

¹ http://www.forum18.org/archive.php?article_id=2441. Reprinted with minor editorial revisions by permission of Forum 18. All Forum 18 News Service material may be referred to, quoted from, or republished in full, if Forum 18 is credited as the source.

² http://www.forum18.org/archive.php?article_id=2299.

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 five 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 organization 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 Rubles (nearly two months' average local wages) each and another with a warning. The communities known to have faced administrative cases are: six Pentecostal, two Baptist, and one each Lutheran, Russian Orthodox, Muslim and Karaite. The others 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 eight ended in punishment.

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 Tablighi 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).

Wide-Ranging and Ill-Defined "Anti-Missionary" Penalties

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 2016.³ 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

³ http://www.forum18.org/archive.php?article_id=2246.

activities by a religious organization 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 Rubles 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.

Russian Administrative Code Article 5.26, Part 4 punishes "Russians conducting missionary activity". This incurs a fine of 5,000 to 50,000 Rubles. For organizations (legal entities), the fine is 100,000 to 1 million Rubles. 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 Rubles 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.⁴

Tight Russian Freedom of Religion and Belief Restrictions

Since the March 2014 Russian annexation of Crimea, local religious communities that 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

⁴ http://www.forum18.org/archive.php?article_id=2299.

Russian law.⁵ 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.⁶

Two prosecutions under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") were to be heard. Magistrate Svetlana Uruyupina 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 Andrei Tereshchenko in the morning of 14 January, according to court records.

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."⁷ 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.⁸ 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").

⁵ http://www.forum18.org/archive.php?article_id=2246.

⁶ http://www.forum18.org/archive.php?article_id=2051.

⁷ http://www.forum18.org/archive.php?article_id=2215.

⁸ http://www.forum18.org/archive.php?article_id=2215.

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 Rubles. 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").⁹

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 Tablighi 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 "Organization of" and Part 2 punishes "participation in" "the activity of a social or religious association or other organization 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."¹⁰

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.¹¹ In 2018, there was a case 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

⁹ http://www.forum18.org/archive.php?article_id=2051.

¹⁰ http://www.forum18.org/archive.php?article_id=2215.

¹¹ http://www.forum18.org/archive.php?article_id=2432.

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.¹²

Crimea: Raids, Another Criminal Case, Four Appeals¹³

Armed Russian FSB security service officers raided six Jehovah's Witness homes around Yalta, seizing religious literature. Artem Gerasimov faces "extremism"-related criminal charges with a maximum 10-year jail term, the second Crimean Jehovah's Witness to face such charges. On 16 April, Russia's Supreme Court is due to hear appeals by four Muslims convicted in January of membership of the Muslim group Tabligh Jamaat.

On 20 March, armed Russian FSB security service officers raided at least six Jehovah's Witness homes in the southern Crimean city of Yalta and the nearby suburb of Alupka. At least one of the FSB officers was carrying what appeared to be an assault rifle over his shoulder, despite Jehovah's Witnesses known for being pacifist. Officers seized religious literature, money and other documents, and took several people for interrogation.

FSB officers seized Jehovah's Witness literature, much of which has been banned as "extremist" in Russia. However, they also seized Bible translations and a Bible concordance used by Russian Orthodox, Protestants and others, and which the Russian authorities have not banned. The Crimean branch of the Russian FSB launched a criminal case against 34-year-old Yalta resident Artem Gerasimov. If eventually tried and convicted, he faces up to 10 years' imprisonment. He has had to sign a pledge not to leave his hometown as the FSB investigates the case against him.

Gerasimov is the second Jehovah's Witness in Crimea facing investigation under Russian Criminal Code Article 282.2, Part 1 ("Organization of the activity of a social or religious association or other organization in relation to which a court has adopted a decision legally in

¹² http://www.forum18.org/archive.php?article_id=2432. 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).

¹³ http://www.forum18.org/archive.php?article_id=2466 also by Felix Corley in April 2019.

force on liquidation or ban on the activity in connection with the carrying out of extremist activity.")

One of the FSB Investigators refused to discuss the case against Gerasimov with Forum 18. The Russian FSB is still investigating the criminal case launched in November 2018 against 46-year-old fellow Crimean Jehovah's Witness Sergei Filatov. The launching of the criminal case was accompanied by coordinated raids on eight Jehovah's Witness family homes in the northern Crimean town of Dzhankoi involving an estimated 200 officers. One elderly Jehovah's Witness was tortured, while a young woman suffered a miscarriage soon after the raid.

In January, Crimea's Supreme Court rejected challenges to their legality from three victims of the raids. Meanwhile, four Muslims convicted in January of membership of the banned Muslim missionary movement Tabligh Jamaat have appealed to Russia's Supreme Court in Moscow. Renat Suleimanov was jailed for four years, while the other three were given suspended sentences. The Supreme Court was due to begin hearing the appeals on the morning of 16 April.

The four men had met in mosques to discuss their faith and denied meeting conspiratorially or promoting "extremism." Suleimanov's lawyer told Forum 18 his client, who is 49, has refused to go to Moscow for the appeal hearing, saying he is too ill to travel all that distance. Suleimanov—who has been held since his October 2017 arrest—is still being held in Simferopol's Investigation Prison.

"Extremist" Organizations Banned

Ukraine and the international community do not recognize Russia's March 2014 annexation of Crimea. After the annexation, Russia imposed its restrictions on freedom of religion and belief. Many religious communities have been raided, and many individuals have been fined for possessing books—such as the Muslim prayer collection "Fortress of a Muslim"—which have been banned as "extremist" in Russia.¹⁴

Russia's Supreme Court banned the Tabligh Jamaat missionary movement as "extremist" in 2009¹⁵ Russia's Supreme Court banned Jehovah's Witnesses as "extremist" in 2017.¹⁶

¹⁴ http://www.forum18.org/archive.php?article_id=2051.

¹⁵ http://www.forum18.org/archive.php?article_id=1724.

¹⁶ http://www.forum18.org/archive.php?article_id=2297.

Prosecutors in Russia are investigating nearly 150 individuals on "extremism"-related criminal charges.¹⁷ Of these, at least 25 are in pre-trial detention and 26 under house arrest as of 2 April 2019. Others have had to sign pledges not to leave their hometown without permission. Following Russia's occupation of Crimea, the Russian authorities granted re-registration to Jehovah's Witness communities in Crimea, only to ban them following the Russian Supreme Court ban.¹⁸

Raid, Interrogations, Confiscations

On 20 March, armed Russian FSB security service officers raided at least six Jehovah's Witness homes in the southern Crimean city of Yalta and the nearby suburb of Alupka. Officers seized religious literature, money and other documents, and took several people for interrogation. FSB attention focused on Yalta resident Artem Vyacheslavovich Gerasimov (born 13 January 1985). FSB officers took him for interrogation to Simferopol, a two-hour drive away, Jehovah's Witnesses told Forum 18. The FSB announced the same day that during the raids its officers had seized religious literature "banned in Russia," computers and other equipment and money, some of it in foreign currency.

FSB video of two of the raids—released to the local media—shows officers in camouflage with FSB in large letters on the back of their uniforms and individuals in civilian clothes raiding Gerasimov's and one other home. One of the FSB officers raiding Gerasimov's home appears to be carrying an infantry assault rifle over his shoulder (Jehovah's Witnesses are known to be pacifists). Most of the intruders are wearing masks covering their faces except for the eyes.

Officers place religious literature on a bed. Some of the titles are Jehovah's Witness publications, such as their "New World" version of the Bible, which Russia banned as "extremist" in 2017.¹⁹ Others, however, are Bible translations and a Bible concordance used by Russian Orthodox, Protestants and others and which have not been banned.

¹⁷ http://www.forum18.org/archive.php?article_id=2454.

¹⁸ http://www.forum18.org/archive.php?article_id=2299.

¹⁹ http://www.forum18.org/archive.php?article_id=2319

Criminal Case

Following the 20 March raids, the Crimean branch of the Russian FSB security service issued a statement to the local media. "It was established that a 34-year-old inhabitant of Yalta organized the activity of the local Jehovah's Witness organization, conducted meetings, religious events and propaganda of the ideas of the given religious sect, as well as attracting new adherents to its ranks." The FSB announced that it had launched a case against one individual (whom it did not name) under Criminal Code Article 282.2, Part 1 ("Organization of the activity of a social or religious association or other organization 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").

The FSB released Gerasimov later in the day after he signed a pledge not to leave his hometown without permission from the FSB Investigator. He was allowed to return to his home in Yalta, Jehovah's Witnesses told Forum 18. The criminal case against Gerasimov is being led by FSB investigators Aleksandr Lavrov and Sergei Bosiev. Forum 18 reached Investigator Bosiev at the FSB headquarters in Simferopol on 1 April, but as soon as it had introduced itself he put the phone down.

The Russian FSB security service is still investigating the criminal case against Jehovah's Witness Sergei Viktorovich Filatov (born 6 June 1972) in the northern Crimean town of Dzhankoi on the same "extremism"-related charges. He too faces a maximum possible prison term of 10 years under Russian Criminal Code Article 282.2, Part 1.²⁰ It was the first against Jehovah's Witnesses in occupied Crimea. Like Gerasimov, Filatov had to sign a pledge not to leave his hometown.

"Interrogations of Sergei are continuing," Jehovah's Witnesses told Forum 18. The FSB security service commissioned five "expert analyses." Only one—to study the characteristics of his voice—has been completed, they added. This implies that the FSB has recordings that they believe are of Filatov.

The FSB investigator Lieutenant Aleksandr Chumakin in Simferopol—who is leading the investigation of Filatov's case—again refused to talk to Forum 18 on 2 April. Five days after the criminal case was opened, about 10 groups of FSB security service and OMON riot police officers from Simferopol raided Filatov's and seven other homes in Dzhankoi. During the raid on

²⁰ http://www.forum18.org/archive.php?article_id=2432.

one home, officers beat the 78-year-old Viktor Ursu—deported to Siberia by the Soviet Union for his faith when he was nine—put him up against a wall and handcuffed him. Soon after a raid on another home, a young woman suffered a miscarriage which Jehovah's Witnesses say was caused by stress.²¹ Filatov tried to challenge the case against him, but Crimea's Supreme Court rejected these challenges in November 2018. On 17 January 2019, despite not having been convicted of any crime, Filatov was added to the Rosfinmonitoring "List of Terrorists and Extremists," whose assets banks are obliged to freeze (although small transactions are permitted).

Crimean Supreme Court Rejects Challenges to Raids

Three other Jehovah's Witnesses whose homes were raided in November 2018 tried to challenge their legality. Court decisions seen by Forum 18 reveal that FSB investigator Lieutenant Chumakin sought permission from Simferopol's Kiev District Court on 14 November 2018 for the raids "with the aim of finding items of significance for the criminal case" against Filatov.

Viktor Ursu (beaten and handcuffed during the raid and hospitalized afterwards), Liliya Bezhenar (whose husband Vladimir had to be hospitalized with a suspected stroke) and Vladimir Ostapchuk lodged suits against the search warrants on 11 January 2019 to Crimea's Supreme Court. However, in separate hearings on 31 January, Judge Alla Ovchinnikova rejected all three suits, according to the decisions seen by Forum 18. Anna Turobova from the Crimean Prosecutor's Office in Simferopol led the case in court to reject the three victims' suits. Her telephone went unanswered each time Forum 18 tried to reach her on 2 April.

Moscow Appeal for Four Convicted Muslims

The appeals of four Muslims convicted in January on charges of alleged membership of the Muslim missionary movement Tabligh Jamaat are due to begin at Russia's Supreme Court in Moscow at 10 am on 16 April, according to the court website. The appeal is due to be heard at Russia's Supreme Court as it is the next level up from the men's original conviction at Crimea's Supreme Court in Simferopol.

²¹ http://www.forum18.org/archive.php?article_id=2432.

The four men met openly in mosques to discuss their faith. "At lessons we studied *ayats* [verses] from the Koran, the value of praying the *namaz*, and the *zikr* [reciting devotional phrases as a reminder of Allah]," one of the men Talyat Abdurakhmanov told the court at their trial. "These lessons were not conspiratorial and took place in mosques."²²

On 22 January, at the end of their trial, Judge Sergei Pogrebnyak convicted the men under Criminal Code Article 282.2. This punishes organization of or involvement in "the activity of a social or religious association or other organization 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."

1) Renat Rustemovich Suleimanov (born 30 August 1969), Russian Criminal Code Article 282.2, Part 1, four years' imprisonment in an ordinary regime labor camp, followed by one year under restrictions.

2) Talyat Abdurakhmanov (born 1953), Russian Criminal Code Article 282.2, Part 2, two and a half years' suspended sentence, with a two-year probation period, plus one year under restrictions.

3) Seiran Rizaevich Mustafaev (born 2 January 1969), Russian Criminal Code Article 282.2, Part 2, two and a half years' suspended sentence, with a two-year probation period, plus one year under restrictions.

4) Arsen Shekirovich Kubedinov (born 6 August 1974), Russian Criminal Code Article 282.2, Part 2, two and a half years' suspended sentence, with a two-year probation period, plus one year under restrictions.

All four of those convicted lodged appeals to Russia's Supreme Court on 11 March. Two days later, the court assigned the appeals to a judge from the fourth criminal division. Suleimanov's lawyer, Aleksandr Lesovoi, told Forum 18 from Simferopol on 1 April that his client has refused to go to Moscow for the appeal hearing, saying he is too ill to travel all that distance.

Suleimanov has been held since his October 2017 arrest in Simferopol's Investigation Prison. Until his appeal is decided, he is still deemed to be in pre-trial detention. During this time, each day of detention counts as a day and a half of his prison term. Asked if Suleimanov

²² http://www.forum18.org/archive.php?article_id=2444.

has access to the Koran and is able to pray freely in prison, his lawyer Lesovoi responded: "He hasn't complained."