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RUSSIA: Protestants targeted in Nizhny Novgorod

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

Two African students from a Nizhny Novgorod Pentecostal Church were fined and ordered deported for appearing in videos of worship services. The FSB initiated the cases. The Church has also been fined. "The charges of illegal missionary activity are completely unlawful," Pentecostal Union lawyer Vladimir Ozolin told Forum 18.

State agencies are increasing pressure on Protestants in Nizhny Novgorod Region. They are using both the so-called "anti-missionary" amendment and immigration law to punish churches and their members for such activities as inviting students to parties and posting videos of worship on social media. Judges have fined and ordered the deportation from Russia of two African students at Nizhny Novgorod's medical academy for appearing in or reposting videos on the VKontakte social network.

The two students' Pentecostal church, Jesus Embassy, has received multiple fines under 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") and Part 4 ("Russians conducting missionary activity").

The FSB security service initiated the prosecutions of both Jesus Embassy Church members and the latest prosecution of the Church itself (see below).

The two deported students have been permitted to stay in the country to complete their final exams, but must leave by 30 June. "After spending 6 years in Russia, they would have become a connecting thread between our countries," Pentecostal Bishop Konstantin Bendas, commented in "Novaya Gazeta" newspaper on 17 May. "Now this thread is broken."

"The charges of illegal missionary activity are completely unlawful," Pentecostal Union lawyer Vladimir Ozolin insisted to Forum 18. "I would like to hope that the cases were initiated by the stupidity of the siloviki, otherwise this greatly undermines the authority of Russia in the international arena."

Many other Nizhny Novgorod prosecutions

Other Protestant churches in the Region have also faced prosecution many times since the adoption of the "anti-missionary" law in July 2016, court records show. Indeed, World Cup host city Nizhny Novgorod and its Region have one of the highest levels of prosecution under Administrative Code Article 5.26 (primarily under Part 3) in the whole of Russia, and several cases appear to rest on flimsy or fabricated evidence (see below).

Nizhny Novgorod is an "advanced region" for prosecutions under the "anti-missionary" amendment, Pentecostal Union lawyer Ozolin told Forum 18 from Moscow on 19 May. Seventh-day Adventist lawyer Vasily Nichik agreed, commenting to Forum 18 on 19 June that Nizhny Novgorod is "among the foremost in terms of persecution in the field of religious freedoms". It is difficult to explain why, he added. "In these matters, very often everything depends on the personalities within the system".

In the first year of the "anti-missionary" law (July 2016 to July 2017), cases under Administrative Code Article 5.26, Parts 3, 4, and 5 ("Foreigners conducting missionary activity") reached court in 50 regions of the country. Nizhny Novgorod saw the highest number of separate investigations (eight) and the fourth highest number of individual prosecutions (eleven).

According to available court records, Nizhny Novgorod has experienced a particularly high level of prosecution under Article 5.26, Part 3, more than twice that of the next region.

Constitutional Court definition – any impact?

In general, the Religion Law's vague definition of "missionary activity" (and lack of clarity over what constitutes "membership of" or "participation in" a religious association) has meant that officials can interpret virtually anything as "missionary activity".

In March 2018, however, Russia's Constitutional Court issued its own interpretation, which lawyers hoped would clarify the key concepts employed in cases under Article 5.26, Parts 4 and 5.

According to the Constitutional Court, "A defining feature [sistemooobrazuyushchy priznak] of missionary activity is the dissemination by citizens and their associations of information about a specific religious belief among persons who, not being its followers, are involved in their number, including as participants in specific religious associations". Therefore, the distribution of information, for example, about services, ceremonies, or events "falls under the definition of missionary activity as such, only if it contains the said defining feature" (see F18News 16 May 2018 http://www.forum18.org/archive.php?article_id=2377).

Most of the "anti-missionary" prosecutions in the current official campaign in Nizhny Novgorod took place before the Constitutional Court issued its interpretation. Two, however, came to trial afterwards, but the Constitutional Court's clarification of the legal norms appears to have had no effect on the outcome.

It should also be noted that the Constitutional Court's definition of missionary activity has no bearing on prosecutions under 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").

Who is being targeted and where is this coming from?

The Jesus Embassy Pentecostal Church, which has several communities in the Region, has borne the brunt of state attention, but other Protestant communities have also been affected. Jesus Embassy communities, which are led and primarily made up of Russians, are part of the Russian Pentecostal Union, which, according to Bishop Konstantin Bendas, has an agreement with several African embassies in Russia to work with students from their countries.

"The FSB is interested in Jesus Embassy itself and Protestants in general," lawyer Aleksey Vetoshkin, who has been involved in several recent cases, told Forum 18 from Nizhny Novgorod on 17 May. "After this pressure, the number of African parishioners has fallen from 150 to 20".

Nizhny Novgorod so far appears to be a particular hotspot for prosecutions related to "missionary activity". While the focus on Protestant communities is not anomalous (they make up the clear majority of prosecutions across the country), the intensity of state activity in Nizhny Novgorod, particularly that aimed at foreign students, is unusual.

Foreigners elsewhere are sometimes fined or deported under immigration law for engaging in religious activity when this is not covered by their visas, but they are usually clergy or lay missionaries on brief visits to Russia. It is rare for students who have been at Russian universities for several years to be ordered to leave.

There does not appear to be a nationwide state campaign against African Protestants in Russia. Forum 18 is aware of only four other Africans who have been prosecuted under Administrative Code Article 5.26, Part 5 since July 2016 (three students, one pastor – all affiliated with various Protestant churches), in four different regions. Of these cases, one was returned to police for technical reasons and not resubmitted – the other three defendants were fined and one was ordered deported, but the deportation order was rescinded on appeal (see F18News 9 August 2017 http://www.forum18.org/archive.php?article_id=2306).

The campaign in Nizhny Novgorod Region appears to be driven by the FSB security service. According to FSB documents seen by Forum 18 or cited in the Russian media, the FSB alerted the police immigration control department and local Justice Ministry branch to various alleged violations. Those agencies then initiated prosecutions. Court verdicts usually refer to (but do not quote) FSB information as evidence of a defendant's guilt.

Forum 18 wrote to the Nizhny Novgorod FSB on 21 June, asking why it is targeting Protestants and in what way they can be considered a security risk, but had received no reply by the end of the working day on 25 June.

"I understand that behind the whole persecution of Protestants is someone from the leadership of state agencies. Who? It is difficult to answer this question unambiguously," lawyer Vasily Nichik remarked to Forum 18 on 19 June. "If a highly intolerant person enters the power structure, then he sees enemies in everyone and begins to construct schemes to restrict freedoms and persecute [people] for dissent. Such a type has probably ended up in the leadership of state agencies in the Nizhny Novgorod Region."

Kudzai Nyamarebvu prosecuted

Zimbabwean medical student Kudzai Nyamarebvu has faced prosecution three times in six months under both immigration and "anti-missionary" legislation for an increasingly bizarre series of alleged offences involving videos on social media. She has been ordered to leave Russia by 30 June. The church she attends in Nizhny Novgorod, "Jesus Embassy", and the regional Pentecostal association to which it belongs, have also received fines.

- Prosecution No. 1 – Article 18.8, Part 2

Nizhny Novgorod's Sormovo District Court found Nyamarebvu guilty on 25 January 2018 of an offence under Administrative Code Article 18.8, Part 2 ("Violation by a foreign citizen or stateless person of the rules of entry into the Russian Federation or the regime of residence in the Russian Federation, expressed in the inconsistency of the declared goal of entry with the activity or occupation actually carried out during his/her stay"). She had appeared in a video her Church had posted on its VKontakte page.

Judge Vasily Korytov fined Nyamarebvu 5,000 Roubles (five days' average local wages) and ordered her to be deported ("monitored independent departure", meaning that she would not be detained in the interim). At the time, she was half way through her sixth and final year at the Nizhny Novgorod State Medical Academy (since renamed Privolzhsky Medical Research University), and deportation would have meant that she would have been unable to sit her final exams and receive her degree.

Although the case against Nyamarebvu was lodged by the police immigration control department, it was based on information from the FSB, according to the court verdict seen by Forum 18.

The video which triggered the prosecution had been posted in November 2016, and showed Nyamarebvu inviting fellow African students to a "welcome party" at the church. The Nizhny Novgorod police immigration control department and Judge Korytov decided that this constituted "missionary activity" on behalf of Jesus Embassy, thus violating the terms of Nyamarebvu's visa, which granted her entry to Russia for the purpose of education only.

As church lawyer Vladimir Malinin argued, the video had no religious content and the planned party was not a religious event. Bishop Bendas also points out in his 17 May article in "Novaya Gazeta" that most Africans who come to study in Russia are Protestants anyway. Nyamarebvu was also speaking English, Pentecostal Union lawyer Ozolin noted to Forum 18. It is therefore unclear how this could be deemed "missionary activity".

Under the Russian Constitution and international law, foreign citizens also have equal rights with Russian citizens to freedom of religion and belief.

Nyamarebvu's appeal on 7 February at Nizhny Novgorod Regional Court was unsuccessful, but Judge Vyacheslav Kudrya set her date of departure from Russia as 30 June 2018, to allow her to complete her medical studies.

- Prosecution No. 2 – Article 5.26, Part 5

Police later charged Nyamarebvu under Article 5.26, Part 5 ("Foreigners conducting missionary activity") for reposting, on her own VKontakte page, a video which showed another African student talking about how she believed God had helped her recover from illness. Nyamarebvu had deleted this video in late January, but police nevertheless lodged a case against her in April at Nizhny Novgorod's Prioksky District Court.

Judge Olga Vorotnikova sent the case back on 23 April because officers had not specified in their report the location of the alleged offence, according to the written verdict, seen by Forum 18. On 4 May, the police sent Nyamarebvu a letter telling her that the case had been dropped because the time limit for prosecution had passed.

- Prosecution No. 3 – Article 5.26, Part 5

On 8 June, the police summoned Nyamarebvu and informed her that she was being charged again under Article 5.26, Part 5 because of an interview she had given about her earlier prosecutions, which had been published on the Pentecostal Union's website.

Officers interpreted this interview as "unlawful missionary activity". Judge Mariya Astafyeva of Prioksky District Court fined Nyamarebvu 30,000 Roubles (one month's average local wages) on 9 June. Nyamarebvu was due to sit her final exam the next day.

Jesus Embassy pastor Pavel Ryndich attended the court hearing. "The accusation disintegrated like a sandcastle under the simplest questioning," he wrote on his Facebook page on 10 June.

Nevertheless, the judge decided that Nyamarebvu was guilty of "hidden missionary activity, not expressed in either words or gestures".

Prosecutions of Jesus Embassy

- For party invitation

Before Nyamarebvu herself became subject to state attention, her church – Jesus Embassy – had already been fined three times for the single video in which she had appeared.

Both the local religious organisation – Jesus Embassy Bible Centre, Nizhny Novgorod – and the centralised religious organisation – Jesus Embassy Union of Evangelical Churches in Nizhny Novgorod – were prosecuted under 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").

Judge Yelena Kutuzova of Moscow District Magistrate's Court No. 6 found both guilty in separate hearings (on 8 June and 6 June 2017 respectively) and fined them 30,000 Roubles (one month's average local wages) each for distributing video material on VKontakte and YouTube which did not bear the organisations' full official names.

The local church made an unsuccessful appeal on 11 July 2017 at Moscow District Court, and an unsuccessful supervisory appeal on 28 September 2017 at Nizhny Novgorod Regional Court. The centralised church also unsuccessfully challenged its conviction at Moscow District Court on 20 July 2017, but lodged no supervisory appeal.

The centralised Jesus Embassy organisation was also prosecuted under Article 5.26, Part 4 for the same video – for allowing Nyamarebvu to perform the alleged "missionary activity" without the necessary documentation authorising her to do so.

Judge Kutuzova fined the organisation 50,000 Roubles on 9 June 2017. Although the judge noted that the centralised organisation was the entity obliged to fulfil the requirements of the law and thus the one to bear responsibility for the alleged offence, this appears to have had no bearing on the prosecution of the local church.

The centralised organisation appealed unsuccessfully against its Part 4 conviction on 11 July 2017 at Moscow District Court. An unsuccessful supervisory appeal took place on 28 September 2017 at Nizhny Novgorod Regional Court.

- For video about "Encounter" event

Another video from 2016 served as grounds for prosecuting the centralised Jesus Embassy organisation again under both 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") and Article 5.26, Part 4 ("Russians conducting missionary activity").

This video, also posted on the church's social media pages, showed four other students (from Zambia, Namibia, Malawi, and Côte d'Ivoire) talking (in English, French, and Portuguese) about their experiences at "encounter" events at the church – "This is a time when we discuss such topics as love, faith, and dreams, based on the Bible", church press secretary Yuliya Yermoshina told Dozhd TV on 27 April.

On 28 April 2018, Judge Yelena Kutuzova of Nizhny Novgorod's Moscow District Magistrate's Court No. 6 again found Jesus Embassy guilty both of permitting the students to perform "missionary activity" without the necessary documentation (Part 4) and of failing to display its full official name in the video (Part 3). She issued fines of 30,000 Roubles (one month's average local wages) under Part 3 and 100,000 Roubles under Part 4. Moscow District Court rejected both appeals on 8 June 2018.

One of the people in the video, medical student Chileshe Maurin, had already graduated and returned to Zambia in 2017, before the church was charged. The others – Debora Mangenge and Mzengereza Tingawena from the (then) Nizhny Novgorod State Medical Academy, and Kpata Evilafo Adel Olivia Romuald from Nizhny Novgorod State Pedagogical University – do not appear to have been charged either under immigration law or the "anti-missionary" amendment.

Given the length of time which elapsed between the multiple prosecutions of Jesus Embassy for the "welcome party" video and the prosecution of Kudzai Nyamarebvu, however, the three remaining Africans might still face charges.

The Justice Ministry of Nizhny Novgorod Region lodged the case at the Magistrate's Court, but on the basis of information from the FSB, which wrote to the Justice Ministry on 20 February 2018, alerting it to the video. The FSB document states that the four Africans had entered the country on student visas but had carried out "missionary activity on behalf of a religious organisation" without written authorisation, according to the Dozhd TV report of 27 April.

Nosise Vusiwe Shiba prosecuted

The FSB security service also initiated at least one prosecution of another member of Jesus Embassy, Nosise Vusiwe Shiba from Swaziland. She too has been ordered to leave Russia.

Shiba, also in her final year of medical school, first received a fine of 5,000 Roubles (five days' average local wages) under Administrative Code Article 18.8, Part 2 on 28 February 2018 for participating in a "missionary conference" ("To the ends of the earth") held by the Russian Pentecostal Union in Penza in May 2017. On 16 May 2018, she appeared in court for a second time,

charged under Article 18.8, Part 4 ("An offence under Parts 1 or 2 repeated within one year") with having sung at another "missionary conference" ("Save one more!") in Nizhny Novgorod.

Judge Vasily Korytov of Nizhny Novgorod's Sormovo District Court interpreted both acts as performing "missionary activity" while on an educational visa, as "by means of participating in a public event with the performance of religious songs, she disseminated information about her beliefs to an unlimited number of people". For the second alleged offence, Shiba was fined 7,000 Roubles and ordered deported, but permitted to remain until 30 June to complete her degree.

The FSB security service noted in a letter to the police immigration control department on 18 April 2018 that Shiba appears singing in two videos which Jesus Embassy uploaded to YouTube in April and June 2017. The first video showed an Easter service; the second, the "Save one more!" conference. The FSB found the videos in October 2017.

According to the FSB letter, seen by Forum 18, these videos indicate that Shiba "participates in the activity of the so-called "worship group" [musicians] of [the centralised regional Jesus Embassy Church] and actively participates in preaching by P. Ryndich, pastor of this organisation". Such "unlawful religious activity" constitutes "a violation .. of the rules of residence on the territory of the Russian Federation, in the form of non-conformity with the declared purpose of entry".

"[Shiba] will finish her studies, a person's life has not been broken", her lawyer Aleksey Vetoshkin wrote on Facebook on 19 May. "However, the court has set a dangerous precedent – singing beautifully on the stage of a Protestant church is missionary activity. In my opinion, this is nonsense, but in the opinion of the court, this act creates public danger".

Neither Shiba nor Jesus Embassy (local or centralised bodies) yet appears to have been charged under Administrative Code Article 5.26 in relation to these alleged offences.

Other Nizhny Novgorod churches targeted?

State agencies in Nizhny Novgorod Region appear to be targeting Protestants using the "anti-missionary" amendment, rather than foreigners in particular. Foreign members of only the Jesus Embassy church appear to have been prosecuted so far, under either Administrative Code Article 5.26, Part 5 or immigration law.

Out of a total of eighteen prosecutions under Article 5.26, Part 3 in Nizhny Novgorod region (all dating from 2017 and 2018), sixteen were of Protestant communities – 6 Pentecostal, 5 Seventh-day Adventist, 3 independent Protestant, and 2 Baptist Union. There was also one case against a Hare Krishna community and one against Jehovah's Witnesses (from before their nationwide ban).

Seventh-day Adventists in Nizhny Novgorod region have mainly been prosecuted under Article 5.26, Parts 3 and 4, lawyer Vasily Nichik told Forum 18 on 19 June. Their foreign members have kept a low profile and have experienced no problems. Adventist communities have, however, been subject to significant state attention, much of it, they claim, on spurious grounds.

Nichik described one "shameful case", in which an unknown person removed a church sign showing the religious organisation's full official name and replaced it with one bearing an incomplete name. This was not simple vandalism: "It's very interesting that whoever did this knew the legal consequences of incorrect signage very well," Nichik observed to Forum 18. "They didn't just rip off the sign and throw it away, but made another and hung it in place of the first. Another interesting coincidence is that immediately after this, in the morning, a group of police officers arrived."

Nichik added: "We can't say who did this, but the available facts force one to draw conclusions about who is behind it. As a result, a small community of mostly pensioners was fined 30,000 Roubles [one month's average local wages] under Article 5.26 Part 3."

In his 17 May "Novaya Gazeta" article of, Pentecostal Bishop Bendas also notes the official focus on Seventh-day Adventists as well as his own church, outlining how police and FSB security service officers interrupted services in the towns of Shakhunya and Zavolzhye in Nizhny Novgorod Region.

"This means that [officials] arrive during a service and begin interrogating parishioners and clergy, meaning that worship cannot proceed further," lawyer Nichik explained to Forum 18 on 21 June. "Usually, they come with the service side-arms which they always carry, not with automatic weapons."

In Shakhunya, the church was fined despite the fact that a sign with its full name was attached to the front door, which officers mysteriously "did not see at point blank range". In Zavolzhye, the community was explicitly accused of not having a sign on its fence (for which there is no legal requirement). In this instance, the judge closed the case "in the absence of an administrative offence". (END)

For more background see Forum 18's surveys of the general state of freedom of religion and belief in Russia at http://www.forum18.org/Archive.php?article_id=2246, and of the dramatic decline in this freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=2215.

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis <http://www.sova-center.ru>, about the systemic problems of Russian anti-extremism legislation, is at F18News 19 July 2010 http://www.forum18.org/Archive.php?article_id=1468.

A personal commentary by Irina Budkina, Editor of the <http://www.samstar.ucoz.ru> Old Believer website, about continuing denial of equality to Russia's religious minorities, is at F18News 26 May 2005 http://www.forum18.org/Archive.php?article_id=570.

More reports on freedom of thought, conscience and belief in Russia can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=10>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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