

7 July 2010

RUSSIA: Pre-trial detentions of Muslim and Jehovah's Witnesses

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

Ilham Islamli, a reader of the works of Muslim theologian Said Nursi, has been held since 18 June on charges of inciting religious hatred for posting Nursi's works on a website, Forum 18 News Service has learned. It is unknown when the case might reach court. "It will happen this year," is all Investigator Vladimir Chernobrovin would tell Forum 18. Asked who might have suffered from Islamli's posting of some works by Nursi, Investigator Chernobrovin responded: "Asking who suffered or not is not relevant. The investigation is based on the court decisions banning Nursi's works." Meanwhile, two Jehovah's Witness women, Anna Melkonyan and Mariya Zubko, were freed on 1 July after 56 days' pre-trial detention but are still facing prosecution on accusations of theft. The two women, their lawyers and Russia's Jehovah's Witness community insist that the two were not involved in burglaries which took place in the town of Lobnya in Moscow Region. Melkonyan's lawyer, Natalya Medved, told Forum 18 that it is not clear whether the two women's faith led the police to accuse them of the burglaries. "It could be that it's not just because they are Jehovah's Witnesses. The police can't find the real criminals, so they believe that as foreign citizens the two women won't have anyone to defend them."

The investigator preparing the criminal case against Ilham Islamli, an imprisoned reader of the works of Muslim theologian Said Nursi, has declined to specify when it is likely to be completed and handed over to court. "It will happen this year," is all Investigator Vladimir Chernobrovin of the Investigation Committee of the Prosecutor's Office for Nizhny Novgorod Region would tell Forum 18 on 7 July of the timetable for the case. Islamli is being accused of inciting religious hatred for posting Nursi's works – some of which are banned for distribution in Russia – on a website he ran until early 2009. A Nursi reader told Forum 18 on 25 June of concern for Islamli's health, as he suffers from diabetes and needs a constant supply of insulin.

Chernobrovin said a Nizhny Novgorod court ordered Islamli, an Azerbaijani citizen also known as Islamov who was arrested in Moscow Region on 18 June, to be held in pre-trial detention for two months. He also confirmed that Islamli was charged on 22 June under Article 282, Part 1 of the Criminal Code (hatred or enmity, as well as the humiliation of human dignity). This carries a maximum penalty of two years' imprisonment.

Meanwhile, two Jehovah's Witness women were freed on 1 July after 56 days in pre-trial detention. A criminal case continues against the two which the Jehovah's Witness community insists has been fabricated.

Readers of Said Nursi's works and Jehovah's Witnesses have been victims of an intense national campaign in recent years to limit their activity under charges of "extremism". Officials in various government agencies have refused to explain who initiated the campaigns (see F18News 25 March 2010 http://www.forum18.org/Archive.php?article_id=1426).

Russian translations of Nursi's "Risale-i Nur" ("Messages of Light") multi-part Koranic commentary were outlawed by Moscow's Koptevo District Court in May 2007 and subsequently added to the Federal List of Extremist Materials. Nurdzhular – which Nursi readers insist does not exist – was then banned as an extremist organisation by Russia's Supreme Court in April 2008. Defenders of state action against Nursi followers routinely claim that his works are banned in Turkey, but official Turkish government documents viewed by Forum 18 state categorically that the theologian's works are not harmful in any way whatsoever and are freely available in Turkey (see F18News 28 January 2010 http://www.forum18.org/Archive.php?article_id=1400).

By June 2010, the Jehovah's Witnesses were reporting over 265 incidents of state harassment of their members, typically involving raids on worship services, brief detentions and/or literature confiscations. They all follow the Supreme Court's 8 December 2009 endorsement of Rostov-on-Don Regional Court's earlier ruling outlawing 34 Jehovah's Witness titles as extremist and dissolving the local Jehovah's Witness religious organisation in Taganrog (see F18News 8 December 2009 http://www.forum18.org/Archive.php?article_id=1385).

Prosecution for web posting of Nursi's books

After leaving his native Azerbaijan, Islamli, who is now 34, lived and worked for some years in Nizhny Novgorod. Internet registry records from 2009 note that in 2004 he set up the website www.saidnur.ru, where he published some of Nursi's writings. However, he lost control of the website on 24 February 2009. "Allocation of the domain saidnur.ru has been removed in connection with the failure by the administrator of the domain to provide information requested during the verification of data," Andrei Vorobev of

Ru-Center, the company that registers internet domains nationally, told Forum 18 on 30 April 2009.

Islamli denied this to Forum 18 at the time, insisting he had sent copies of his passport to Ru-Center as requested several times. He suspected that the removal of the website was part of the state campaign to make unavailable in Russia the works of Said Nursi.

Later in 2009, other materials unrelated to Nursi began to appear on the site, including advertisements, although the framework indicating that the site was dedicated to the works of Said Nursi remained. The site is currently registered by a private individual whose identity and contact address are not publicly available.

Criminal case opened

On 4 June the General Public Prosecutor's Office announced that a criminal case had been opened in Nizhny Novgorod Region against a citizen of Azerbaijan belonging to "the international religious association Nurdzhular". According to the Office, the Azerbaijani citizen (whom it did not name) posted books by Said Nursi on his website "with the aim of inciting hatred and enmity against non-believers and those who do not share religious ideas."

Asked who he believes might have suffered from Islamli's posting of some works by Nursi on his website, Investigator Chernobrovin responded to Forum 18: "Asking who suffered or not is not relevant. The investigation is based on the court decisions banning Nursi's works."

Asked to confirm that, under Russian law, Islamli can only be prosecuted for distributing specific titles by Nursi on the Federal List of Extremist Materials - and then only specific editions - Chernobrovin declined to comment. "I'm not a legal expert," he told Forum 18. "I can't interpret the law for you." He declined to answer any other questions, citing the "secrecy of the investigation".

Forum 18 was unable to ask Chernobrovin what enmity prosecutors believe Islamli was promoting and against whom.

"How can peace-loving books incite hatred and enmity?" one Nursi reader from elsewhere in Russia exclaimed to Forum 18 on 23 June.

A 22 June statement on the website of the Investigation Committee attached to the General Public Prosecutor's Office adds that the detained man publicly distributed extremist material by Said Nursi - "spiritual leader of the international religious association Nurdzhular" - via the internet from a flat on Rodionov Street in Nizhny Novgorod between September 2007 and July 2009, and was apprehended by Nizhny Novgorod FSB.

A 25 June article in the Russian daily Kommersant states that Islamli was detained in a joint operation by FSB and counterextremism police in Balashikha (Moscow Region), where he was allegedly hiding after other members of the "cell" he led in Nizhny Novgorod had all been "neutralised" and handed down sentences.

Criminal investigation continues after 56 days in prison

Two Jehovah's Witness women, Anna Melkonyan and Mariya Zubko, are facing prosecution on accusations of theft which they, their lawyers and Russia's Jehovah's Witness community insist are fabricated and may be a pretext to punish them for speaking to others about their faith. They are accused of stealing from the homes of three old women in the town of Lobnya in Moscow Region on 23 October 2008, 15 April 2010 and 6 May 2010, Melkonyan's lawyer Natalya Medved told Forum 18 on 7 July.

Medved says it is not clear whether the two women's faith led the police to accuse them of the burglaries, which no one disputes some women committed. "I believe this is part of it, as Anna Melkonyan was detained at the same police station around New Year and warned that if she is caught preaching again she will face unpleasantness," she told Forum 18. "But it could be that it's not just because they are Jehovah's Witnesses. The police can't find the real criminals, so they believe that as foreign citizens the two women won't have anyone to defend them."

The two women were talking about their faith to an old woman on the streets of Lobnya on 7 May when a police car stopped. After the police officer found they are foreign citizens (Melkonyan is Ukrainian while Zubko is Moldovan) they were accused of the earlier burglaries.

Despite having an alibi, positive character references and no previous convictions, they were sentenced to two months' pre-trial detention by Lobnya Municipal Court on 10 May, the Jehovah's Witnesses reported. They were freed from a temporary detention facility in Moscow Region on 1 July after 56 days. They remain in the town under restrictions as the investigation continues. They are not allowed to leave the town without the investigator's permission, the lawyer Medved told Forum 18.

The investigator in the case, Galina Kozhevnikova, said the two women are being investigated for several incidents under Criminal Code Article 158 (theft). Those found guilty of this charge face a fine and/or imprisonment of up to ten years, depending whether they form part of an "organised group" or not. She refused to say how long the investigation is likely to take.

Were the women targeted for their faith?

Kozhevnikova absolutely rejected any suggestion that the women are being investigated for the crimes because of their religious affiliation. "We don't lodge cases because individuals are Jehovah's Witnesses," she told Forum 18 on 7 July. "We leave people's faith completely on one side." She rejected Jehovah's Witness claims that the accusations have been fabricated, insisting that "of course" they have proof that the women were involved in the burglaries.

Similarly rejecting accusations that Melkonyan and Zubko are being targeted because of their faith was Colonel Vasily Subbotin, head of Lobnya police. "Their detention was nothing to do with their religious activity," he insisted to Forum 18 on 8 June. "We have no plan or order to arrest Jehovah's Witnesses. There can't be such plans." He maintained that the investigation is independent of the police.

TV appearance "as criminals"

Shortly after their detention, with police permission, Melkonyan and Zubko were filmed by the private national television station RenTV detained in a cage and their pictures shown in a crime programme, which was repeated several times. "They were depicted as criminals, as swindlers," the lawyer Medved complained to Forum 18. "I know people even in Ukraine who saw the broadcast."

Police chief Colonel Subbotin defended showing the two women on television even though they have not been convicted of any offence. "We have the right to show suspects on TV and this is how they were portrayed," he told Forum 18. "They were not shown as criminals."

The lawyer Medved said that it was only after seeing the television pictures that the victims of the burglaries identified Melkonyan and Zubko as the perpetrators. However, she insists that her client Melkonyan could not have conducted the burglary on 23 October 2008, as she flew back from Armenia to Moscow's Domodedovo Airport that same day. Similarly, Melkonyan spent from the beginning to the end of April 2010 in Ukraine, and a certificate from the village head certifying this has been handed to the investigator. "So how did the victims recognise her?" Medved asks.

Local hostility to religious minorities

A report of a 30 October 2009 seminar for municipal officials in Moscow Region posted on Lobnya local administration's website notes that, while the "problem" does not exist in Lobnya, the Jehovah's Witnesses "sect" was a heated topic of discussion. "Problems with the appearance of sects," a seminar participant suggested, could be eliminated in municipalities where the heads of administration are in close contact with representatives of the Russian Orthodox Church. The website also – mistakenly – maintains that the Jehovah's Witnesses may not be termed an organisation because their activity is banned and recognised as extremist in many Russian regions.

Natalya Rybina, deputy head of the Department for the Affairs of Religious Associations for Moscow Region, was quoted in the website article as saying that wherever "sects" such as the Jehovah's Witnesses exist, people should turn to the law-enforcement agencies. However, she categorically denied to Forum 18 on 8 June that she had spoken against Jehovah's Witnesses at the 2009 seminar. She insisted that local officials have good relations with religious communities. "If they are registered, they have no problems."

Scapegoats?

This is not the first time that Jehovah's Witnesses have been accused of other crimes while out preaching. Yuri Panov was reportedly detained by police for several hours in April 2009 after preaching from house to house in the town of Ramon (Voronezh Region). Accused of committing burglaries in the neighbourhood, Panov denied the charges and was reportedly handcuffed, beaten, forced to wear a gasmask with no oxygen supply and threatened with electric shocks and sexual assault. Intimidated into confessing to the crimes, the police then "abruptly ended the torture and stated that they had made a mistake," the Jehovah's Witnesses state (see F18News 23 July 2009 http://www.forum18.org/Archive.php?article_id=1331).

In December 2009, two female Jehovah's Witnesses were briefly detained while preaching in Novokuibyshevsk (Samara Region) on the grounds that they resembled suspected fraudsters (see F18News 26 February 2010 http://www.forum18.org/Archive.php?article_id=1415).

Two male Jehovah's Witnesses were sentenced to ten days' administrative arrest for "petty hooliganism" by a magistrate in Pochep (Bryansk Region) in January 2010, but this verdict was later overturned (see F18News 15 January 2010 http://www.forum18.org/Archive.php?article_id=1395). (END)

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

For more background, see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1196.

Analysis of the background to Russian policy on "religious extremism" is available in two articles: - 'How the battle with "religious extremism" began' (F18News 27 April 2009 http://www.forum18.org/Archive.php?article_id=1287 - and - 'The battle with "religious extremism" - a return to past methods?' (F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

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.

A printer-friendly map of Russia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=russi>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY