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CRIMEA: Third jailing as second Jehovah's Witness jailed

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

In the third jailing in Russian-occupied Crimea on "extremism" charges to punish the exercise of freedom of religion and belief, Jehovah's Witness Artyom Gerasimov was jailed for six years after a prosecutor appealed against an earlier fine. Jailed earlier were Muslim Renat Suleimanov for four years and Jehovah's Witness Sergei Filatov for six years. Like Suleimanov and Filatov, Gerasimov expects to be sent to a prison in Russia.

For the third time, a court in Russian-occupied Crimea has jailed an individual on "extremism" charges to punish the exercise of freedom of religion or belief. After an appeal by the prosecutor, on 4 June Crimea's Supreme Court changed the punishment imposed on 35-year-old Artyom Gerasimov from a fine of two years' average wages to a six-year jail term. He was arrested in the courtroom. He was the second Crimean Jehovah's Witness to be jailed.

The decision to make prisoner of conscience Gerasimov's punishment harsher without sending the case for a retrial is the first such instance in any Jehovah's Witness case in Crimea, or in Russia within its internationally recognised borders.

The first such jailing for exercising freedom of religion and belief was Muslim prisoner of conscience Renat Suleimanov. In January 2019 a Simferopol court jailed him for four years on "extremism"-related charges for meeting openly in mosques with three friends to discuss their faith (http://www.forum18.org/archive.php?article_id=2444).

In May 2019, the prison authorities transferred prisoner of conscience Suleimanov to a labour camp in Russia's Kabardino-Balkariya Region (http://www.forum18.org/archive.php?article_id=2496). He has complained to the European Court of Human Rights in Strasbourg, arguing that the transfer to another state was illegal. In January 2020, he completed six months in a punishment cell for an alleged conflict with another prisoner which his lawyer insists was fabricated (http://www.forum18.org/archive.php?article_id=2550).

The second such jailing in Crimea was of Jehovah's Witness Sergei Filatov. On 5 March he was jailed for meeting with family and friends to discuss religious themes. On 26 May he failed to overturn his six-year prison term and other post-jail restrictions on appeal at Crimea's Supreme Court (see below).

Prison authorities began the transfer of prisoner of conscience Filatov to a prison camp in Russia on 8 June, two days after his 48th birthday. As Gerasimov's sentence has now also come into force he, like his fellow prisoners of conscience Filatov and Suleimanov, is likely to be sent to serve his sentence in Russia (see below).

The Geneva Convention relative to the Protection of Civilian Persons in Time of War covers the rights of civilians in territories occupied by another state (described as "protected persons") (http://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf). Article 76 includes the provision: "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein."

Russia's March 2014 illegal annexation (<https://www.nhc.no/en/qa-breaches-of-international-law-and-human-rights-issues-2/>) of Crimea is not recognised by Ukraine or internationally.

Criminal convictions and jailings or fines of Jehovah's Witnesses within Russia's internationally recognised borders are widespread (http://www.forum18.org/archive.php?article_id=2560). On 9 June 2020, a Pskov court jailed Gennady Shpakovsky for six and a half years, the longest jail term so far on a Jehovah's Witness (http://www.forum18.org/archive.php?article_id=2578).

Within the annexed territory of Crimea, the imposition of a jail term on Gerasimov came as another Jehovah's Witness, 53-year-old Viktor Stashevsky, is on trial in the port city of Sevastopol facing "extremism"-related charges. He too faces a possible long prison term if convicted (see below).

Like Filatov, Gerasimov and Suleimanov, Stashevsky faces charges under Russian Criminal Code Article 282.2, Part 1. This

punishes "Organisation of the activity of a social or religious association or other organisation 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 maximum punishment is 10 years' imprisonment.

In the early morning of 26 May, separate groups of up to 10 armed police and OMON riot police officers in masks raided five homes in the eastern Crimean city of Kerch. They interrogated at least seven people – including several elderly people – accusing them of being Jehovah's Witnesses. Investigators opened a criminal case against 29-year-old Artyom Shably an hour before the early morning raid (see below).

"Extremist" organisations banned

Russia's Supreme Court banned the Muslim missionary movement Tabligh Jamaat as "extremist" in 2009 (http://www.forum18.org/archive.php?article_id=1724). The Russian ban was imposed in Crimea after Russia annexed the peninsula from Ukraine in March 2014. The charges against prisoner of conscience Suleimanov related to membership of Tabligh Jamaat.

Russia's Supreme Court banned Jehovah's Witnesses as "extremist" in 2017 (http://www.forum18.org/archive.php?article_id=2297). More than 350 Russian Jehovah's Witnesses have been convicted, are on trial or are being investigated on "extremism"-related criminal charges, of whom more than 20 are in pre-trial detention.

Following Russia's March 2014 occupation of Crimea, the Russian authorities granted re-registration to all 22 Jehovah's Witness communities in Crimea. But in 2017 they were banned following the Russian Supreme Court ban (http://www.forum18.org/archive.php?article_id=2299).

Gerasimov: Minimum fine turned into six year jail term

On 5 March, Yalta City Court convicted Crimean Jehovah's Witness, Artyom Vyacheslavovich Gerasimov (born 13 January 1985), on "extremism"-related criminal charges, "merely for meeting with others to discuss the Bible".

Prosecutor Oksana Chuchuyeva had asked for a jail term of six and a half years, plus one year of restrictions on freedom and a three-year ban on unspecified activities. Judge Vladimir Romanenko fined Gerasimov 400,000 Roubles, the minimum fine under Russian Criminal Code Article 282.2, Part 1 equivalent to two years' average wages. No other punishment appears to have been imposed (http://www.forum18.org/archive.php?article_id=2552).

In court, Gerasimov insisted on his innocence, arguing that he had not been involved in any activities of the local Jehovah's Witness organisation after its liquidation in 2017.

Both Gerasimov and the Prosecutor's Office appealed against the punishment to Crimea's Supreme Court in Simferopol. Gerasimov sought the overturning of his conviction as he does not consider himself guilty of any crime. Prosecutor Chuchuyeva appealed "because of the mildness of the verdict" and repeated her demand for a six-and-a-half-year jail term.

The first hearing was due on 19 May. It was then rescheduled for 4 June. Gerasimov was originally assigned a court-nominated lawyer. He rejected the lawyer's services and chose to defend himself at the appeal hearing.

Gerasimov's supporters came to the Supreme Court in Simferopol for the 4 June hearing, but court officials did not let them in, the Crimean Human Rights Group noted the same day.

On 4 June, Judge Aleksei Posledov rejected Gerasimov's appeal, but almost completely accepted Prosecutor Chuchuyeva's appeal for a six-and-a-half-year jail term. The Judge changed Gerasimov's punishment from a fine to a prison term of six years. As the sentence then came into force, officers arrested him in the court room and took him away to begin serving his sentence.

As prisoner of conscience Gerasimov did not spend time in pre-trial detention or under house arrest, he will be required to spend the full six years in prison. His release is therefore due in June 2026.

Yalta Prosecutor's Office refused to put Forum 18 through to Prosecutor Chuchuyeva or to the head of the Office Maksim Yudin on 5 June.

Gerasimov is planning to appeal further, Jehovah's Witnesses told Forum 18. Any further appeal would be heard at the 4th Cassational Court, which is based in the Russian city of Krasnodar.

Now his sentence has come into force, Gerasimov is likely to be sent to serve his sentence in Russia. At the moment he is being held at Simferopol's Investigation Prison.

Filatov: Crimea's Supreme Court rejects appeal against six year jail term

The first Crimean Jehovah's Witness jailed for exercising freedom of religion or belief, Sergei Viktorovich Filatov (born 6 June 1972) who is from the town of Dzhankoi, failed to overturn his six-year prison term and other post-jail restrictions on appeal at Crimea's Supreme Court on 26 May, according to court records. The Prosecutor was Sergei Novoselchuk.

Prisoner of conscience Filatov had been accused of continuing the activities of the banned local Jehovah's Witness community. The FSB security service secretly bugged his home and claimed that a 10 October 2017 gathering in his home with family and friends where they discussed the Bible was evidence of this (http://www.forum18.org/archive.php?article_id=2432).

Filatov was convicted at Dzhankoi District Court on 5 March 2020 under Russian Criminal Code Article 282.2, Part 1 ("Organisation of the activity of a social or religious association or other organisation 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") (http://www.forum18.org/archive.php?article_id=2552).

The Judge handed Filatov not only the six-year prison term, but a post-prison five-year ban on engaging in educational activity, "activities relating to speeches and publications in mass media", and posting information on the internet, and one year of unspecified restrictions on freedom (http://www.forum18.org/archive.php?article_id=2552).

Because of the coronavirus pandemic, Filatov was not brought from Simferopol's Investigation Prison to the Supreme Court for the appeal hearing, which took place by video. The Court did not allow his family or friends to attend the two-hour hearing, the Crimean Process human rights group noted.

Filatov's defence argued at the Supreme Court appeal that the case was full of "inconsistencies and falsifications". The defence complained that "the investigation illegally changed the evidence in the case, involved false witnesses and experts who did not provide diplomas confirming their competence". However, the Judges rejected the defence arguments and refused to hear testimony from witnesses the defence wished to put forward.

The Supreme Court also refused to take into account the United Nations (UN) Working Group on Arbitrary Detention Opinion, adopted on 1 May, condemning the raids, arrests, detention and trials of 18 Jehovah's Witnesses on similar charges within Russia's internationally recognised boundaries (http://www.forum18.org/archive.php?article_id=2573).

Filatov's sentence came into force at the appeal hearing on 26 May when the presiding Judge Eduard Belousov had finished reading the verdict. As Filatov spent from 5 March in Investigation Prison after the verdict was handed down, he is due for release on 23 January 2026, Jehovah's Witnesses calculate.

Forum 18 was unable to reach Prosecutor Novoselchuk either at Crimea's Prosecutor's Office or at his office at the Supreme Court where he generally works.

Filatov is planning to appeal further, his lawyer Oleg Zakharchuk told Radio Free Europe's Krym.Realii after the Supreme Court verdict was handed down. Any further appeal would be heard at the 4th Cassational Court, which is based in the Russian city of Krasnodar.

In January 2019, Filatov was added to the Russian Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose assets banks are obliged to freeze (although small transactions are permitted). Filatov told Forum 18 that as he does not have a bank account the authorities could not freeze it.

At 7 am on 8 June, prison authorities began the transfer of Filatov from Simferopol's Investigation Prison to Russia's Krasnodar Region, Jehovah's Witnesses said. The authorities have not said in which labour camp he will serve his sentence.

Stashevsky: Another trial, another possible long sentence

Another Crimean Jehovah's Witness, Viktor Vladimirovich Stashevsky (born 11 July 1966), is on trial in the port city of Sevastopol facing "extremism"-related charges. He too faces a possible long prison term if convicted.

The FSB security service launched a criminal case against Stashevsky on 31 May 2019 under Russian Criminal Code Article 282.2, Part 1 ("Organisation of the activity of a social or religious association or other organisation 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") (http://www.forum18.org/archive.php?article_id=2496).

The FSB claimed that Stashevsky had "continued the activity and propagated the ideas of Jehovah's Witnesses, conducted meetings, and held religious talks".

On 4 June 2019, without showing any warrants, the FSB raided nine homes in Sevastopol, including that of a 91-year-old woman.

Officers threatened to plant drugs in the homes, Jehovah's Witnesses stated (http://www.forum18.org/archive.php?article_id=2496).

After being held overnight in a detention centre, the investigator allowed Stashevsky to be freed under a pledge not to leave the city.

On 11 July 2019, the investigator had Stashevsky added to the Russian Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose assets banks are obliged to freeze (although small transactions are permitted).

FSB Investigator Filipp Rybalka completed the criminal case on 21 February 2020 (http://www.forum18.org/archive.php?article_id=2550). He described Stashevsky as "the ideological inspirer of the extremist organisation, using his authority, well-developed strong-willed qualities and organisational abilities, as well as special knowledge and propaganda skills he had previously acquired".

Investigator Rybalka claimed that Stashevsky "deliberately took active organisational actions with the aim of continuing the unlawful activities of an extremist organisation prohibited by the court".

The case against Stashevsky reached Sevastopol's Gagarin District Court on 30 March, where it was assigned to Judge Valentin Norets. A preliminary hearing was held on 13 May, according to court records. The defence argued that Stashevsky is being prosecuted solely because of his religious convictions, which violates his Constitutional rights.

Stashevsky complained that he had not been given enough time to review the case against him. Judge Norets rebuked the Prosecutor, Jehovah's Witnesses noted.

Stashevsky's trial is due to resume on the morning of 15 June, according to court records.

Kerch: Armed raids on five homes – without a warrant?

In the early morning of 26 May, separate groups of seven to 10 armed police and OMON riot police officers in masks raided five homes in the eastern Crimean city of Kerch, claiming to be conducting a "survey of premises, buildings and facilities", Jehovah's Witnesses noted. In one case, officers broke down the entrance gate.

Officers questioned at least seven people – including several elderly people – accusing them of being Jehovah's Witnesses.

Officers searched the five homes for up to three hours and seized documents, publications and electronic devices. In no case did they show a court order authorising the raids, nor did they provide a record of the "survey".

The OMON riot police in Kerch is subject to the National Guard (Rosgvardiya), a force directly subject to the Russian President. The man who answered the phone refused to answer any questions about the 26 May raids. "We didn't participate," he claimed to Forum 18 from Kerch on 5 June. He then referred all enquiries to the National Guard spokesperson in Simferopol and put the phone down.

The National Guard spokesperson, who gave his name only as Anton, refused to answer any questions about the raids by phone on 9 and 10 June.

Officials at Kerch Police repeatedly refused to put Forum 18 through to the Police Chief Aleksandr Voronov. They referred Forum 18 to its spokesperson. However, the spokesperson refused to answer any questions about the raids on 8 June, insisting that all questions must be sent in writing to Crimea's Interior Ministry in Simferopol.

One home raided was that of 29-year-old Artyom Shably, who lives with his wife, their two young children, and his mother. Officers broke the window in the hallway to gain entrance. Shably's four-year-old son cut his foot on the broken glass lying on the floor. Officers put Shably in handcuffs, forcing him to stand with his head against the wall for several hours in light clothing in the cold wind through the door and broken window before taking him away. He remained in handcuffs for several hours.

Officers took Shably and four others from their homes to the Investigative Department for interrogation. Officers removed the handcuffs from Shably only after the interrogation, but he remained in detention. The other four were freed after about two hours.

Kerch: Criminal case

Investigative Committee Investigator for Especially Important Cases in Kerch, Major Valery Zarubin, had launched a case against Shably under Russian Criminal Code Article 282.2, Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation"). Zarubin accused him of "attracting others into the activity of an extremist organisation" by talking to him about the Bible. He threatened him with an eight-year jail term.

While Shably was in detention, officers summoned his wife for interrogation. "The Investigator tried to pressure her, threatening to

imprison her husband," Jehovah's Witnesses said. Officers released her later that day.

Later on 26 May, officers placed Shably in a detention centre. Only on the evening of 28 May, after 48 hours, did they free him. He had to sign a pledge that as a suspect he would present himself when ordered to do so.

Forum 18 was unable to find out why Major Zarubin lodged a criminal case against Shably for exercising his right to freedom of religion or belief. The telephone at the Investigative Committee in Kerch went unanswered each time Forum 18 called between 5 and 10 June. (END)

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)

Forum 18's reports and analyses on freedom of thought, conscience and belief in Russia within its internationally-recognised territory (<http://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 or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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