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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

23 June 2020

RUSSIA: Currently jailed, serving suspended sentences, fined - list

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

Eleven people are serving prison terms and eight suspended sentences under the Extremism Law for exercising their freedom of religion and belief. A further seven have been fined. One man was sentenced to assigned work, but this was changed to a fine on appeal. Of these, 25 are Jehovah's Witnesses, and two are Muslims who met with others to study the works of the Turkish theologian Said Nursi.

Twenty-seven people have recently been convicted or are currently serving sentences under the Extremism Law for exercising their freedom of religion and belief. Of these, 25 are Jehovah's Witnesses, and two are Muslims who met with others to study the works of the Turkish theologian Said Nursi.

Those convicted include three women and 24 men. Eleven people are serving prison terms (all men), eight suspended sentences (two women, six men), and seven fines (one woman, six men). One man was sentenced to assigned work, but this was changed on appeal (see below).

The most recent jailing was of 61-year-old Jehovah's Witness Gennady Shpakovsky. On 9 June, a court in Pskov in northern European Russia handed him a six and a half year prison term (see below).

A court today (23 June) ordered that jailed Jehovah's Witness Dennis Christensen's remaining sentence should be commuted to a fine of 400,000 Roubles. Held since his May 2017 arrest, he expects to be freed in ten days' time, unless the Prosecutor appeals (see below).

Jehovah's Witnesses who exercise their right to freedom of religion and belief by meeting for prayer, hymn singing, and Bible study stand accused of "continuing the activities" of the Jehovah's Witness Administrative Centre and its subsidiary local organisations. The Supreme Court ruled them "extremist" and ordered them liquidated in April 2017. (http://www.forum18.org/archive.php?article_id=2297)

Muslims who exercise their right to freedom of religion and belief by meeting to study Nursi's writings stand accused of "continuing the activities" of "Nurdzhular", a "banned extremist organisation" which Muslims in Russia deny exists but which the Supreme Court banned in April 2008 (http://www.forum18.org/archive.php?article_id=1136). Typically, such Muslims meet in private homes to study Islam, with one or more expounding on Nursi's works. They also pray, eat, and drink tea together, and do not seek state permission to meet. (http://www.forum18.org/archive.php?article_id=2215)

Both Muslims and Jehovah's Witnesses have been tortured, but no officials accused in cases of torture of individuals detained for exercising freedom of religion or belief appear to have been arrested or put on criminal trial. (http://www.forum18.org/archive.php?article_id=2554)

Crimea convictions

Russia also uses the same "extremism"-related punishments in Crimea, which it occupied in March 2014.

A Simferopol court jailed Muslim prisoner of conscience Renat Suleimanov for four years in January 2019 for meeting openly in mosques with three friends to discuss their faith (http://www.forum18.org/archive.php?article_id=2444). He was transferred to a labour camp in Russia's Kabardino-Balkariya Region (http://www.forum18.org/archive.php?article_id=2496) to serve his sentence. The three other Muslims in the same case were given two and a half year suspended sentences (http://www.forum18.org/archive.php?article_id=2444), when they live under restrictions.

Two Jehovah's Witnesses were given six year jail terms in 2020. Sergei Filatov, who was sentenced in March (http://www.forum18.org/archive.php?article_id=2552), has been transferred to Russia to serve his sentence. Artyom Gerasimov, who was sentenced in March and sent to prison on appeal in June (http://www.forum18.org/archive.php?article_id=2577), is expected to be transferred to a prison in Russia.

Copyright Forum18 News Service 2020 - Page 1/9

The 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War covers the rights of civilians in territories occupied by another state (http://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33_GC-IV-EN.pdf) (described as "protected persons"). 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."

Criminal Code Articles

Most prosecutions within Russia's internationally recognised borders have been brought under Criminal Code Article 282.2, Part 1 (Organisation of") or Part 2 ("Participation in 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=2215)

The possible punishments are:

- Article 282.2, Part 1 – six to ten years' imprisonment; or a fine of 400,000 to 800,000 Roubles;

- Article 282.2, Part 2 – two to six years' imprisonment; or one to four years' assigned work; or a fine of 300,000 to 600,000 Roubles.

Fifteen people – two Muslims, 13 Jehovah's Witnesses – have been convicted under Criminal Code Article 282.2, Part 1 (11 were imprisoned, two received suspended sentences, two were fined).

Twelve people – all Jehovah's Witnesses - have been convicted under Article 282.2, Part 2 (seven suspended sentences, five fines, one assigned work sentence).

Investigators are also charging an increasing number of people under Criminal Code Article 282.2, Part 1.1 ("Inclination, recruitment, or other involvement of a person in an extremist organisation") (http://www.forum18.org/archive.php?article_id=2215), or Criminal Code Article 282.3, Part 1 ("Financing of extremist activity"). (http://www.forum18.org/archive.php?article_id=2573)

The possible punishments are:

- Article 282.2, Part 1.1 – four to eight years' imprisonment; or two to five years' assigned work; or a fine of 300,000 to 700,000 Roubles;

- Article 282.3, Part 1 – three to eight years' imprisonment; or one to four years' assigned work; or a fine of 300,000 to 700,000 Roubles.

Two people were handed jail sentences after having been convicted under multiple Criminal Code articles. Both were convicted under Criminal Code Article 282.2, Part 1. One Muslim (Ilgar Vagif-ogly Aliyev) has also been convicted and is currently serving a sentence under Criminal Code Article 282.2, Part 1.1. One Jehovah's Witness (Gennady Valerianovich Shpakovsky) has also been convicted under Criminal Code Article 282.3, Part 1 (the sentence will go into force should he lose his appeal).

The most recent conviction under multiple Criminal Code Articles was Jehovah's Witness Gennady Shpakovsky, who received a six and a half year jail term on 9 June 2020. According to the written verdict, the aim of FSB surveillance was to document the fact that the organisation was continuing its activities, not to uncover "extremist" activity. Hymn singing, prayer, discussion of preaching skills, and the collection of donations were taken as evidence of continuing activities (http://www.forum18.org/archive.php?article_id=2578). It appears, therefore, that people accused do not have to engage in any activity which is itself considered "extremist" in order to be charged with allegedly "extremism"-related offences. The verdict indicates that charges may be brought if they do anything which was previously part of the activities of a now-prohibited organisation.

Deprived of Russian citizenship, left stateless, fined, ordered deported

Muslim Yevgeny Lvovich Kim is also still in custody after being stripped of his Russian citizenship and left stateless (http://www.forum18.org/archive.php?article_id=2478) as a result of his conviction, in June 2017, under Criminal Code Article 282.2, Part 1 and Criminal Code Article 282, Part 1 ("Actions directed at the incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of an individual or group of persons on the basis of sex, race, nationality, language, origin, attitude to religion, or social group").

On his release on 10 April 2019, after serving nearly 20 months of his sentence of three years and nine months, Kim was charged with violating migration law, fined, ordered deported to Uzbekistan (http://www.forum18.org/archive.php?article_id=2290) (his birthplace, though he has never held Uzbek citizenship, and itself a serious violator of the right to freedom of religion and belief).

Prisoner of conscience Kim remains in a temporary detention centre for foreign nationals in Khabarovsk.

Punishments

Assigned work may take the form of any job in any organisation, as determined by the correctional centre administering the sentence, usually taking into account an individual's age, gender, health, ability to work, and occupational speciality. The work is paid, but deductions of 5 to 20 per cent may be made from wages and handed to the relevant regional body of the prison service.

Should a convicted person abscond or break the rules, the sentence will be replaced by imprisonment for the same duration. Only one Jehovah's Witness – Valery Moskalenko – is known to have received an assigned work sentence, and he was not required to serve it (http://www.forum18.org/archive.php?article_id=2510) (see below).

So far, all Jehovah's Witnesses and Muslims who have received jail sentences have been sent to a general-regime labour camp ("correctional colony" - ispravitelnaya koloniya), These are invariably not in the regions where they lived, and often long distances from home.

Labour camps ("correctional colonies"), where the majority of Russian prisoners serve their terms, are classified as special-, strict-, general-, or open-regime. The general regime is reserved for first-time "serious" offenders (and those imprisoned for low- and medium-severity crimes if the open regime is considered unsuitable). Most prisoners must work during their sentences, often in textile and timber production. Most of their wages are paid to the prison service, not to those who do the work.

Additional punishments

Most Jehovah's Witnesses and Muslims prosecuted for alleged "extremism"-related offences are added to the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists". Banks are obliged to freeze these people's accounts, only allowing small transactions up to 10,000 Roubles. (http://www.forum18.org/archive.php?article_id=2215)

The majority of those who receive a jail sentence are subject to certain restrictions upon their release. These may include a night-time curfew, a ban leaving one's home town, and a requirement to report to probation authorities a certain number of times per month.

Under the Criminal Code, such restrictions may last for one to two years under Article 282.2, Part 1 and Part 1.1, and up to one year under Part 2.

Judges may also prohibit people from doing particular jobs or activities, such as a ban on attending public events, a ban on posting material on the internet, or a ban on leadership of and participation in the exercise of freedom of religion and belief. Such restrictions may also be applied to those who receive suspended sentences.

Multiple trials

Five Jehovah's Witnesses who appear on the list below are currently on trial for a second time for a more serious alleged offence. In February 2020, Stanislav Kim and Nikolay Polevodov were given suspended sentences (http://www.forum18.org/archive.php?article_id=2572) under Criminal Code Article 282.2, Part 2 ("Participation in 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"). Both have also been charged under Criminal Code Article 282.2, Part 1 for "leading" such activities, and throughout their Part 2 trial, appeared alongside four other Jehovah's Witnesses at a different court in Khabarovsk (http://www.forum18.org/archive.php?article_id=2572), in proceedings which are still underway.

Venera and Darya Dulova and Aleksandr Pryanikov, also given suspended sentences (http://www.forum18.org/archive.php?article_id=2536) under Criminal Code Article 282.2, Part 2, are now being investigated under Criminal Code Article 282.2, Part 1.1 ("Inclination, recruitment, or other involvement of a person in an extremist organisation") (http://www.forum18.org/archive.php?article_id=2215). It is unknown when this case will reach court.

Six more Jehovah's Witnesses were convicted in Penza on 13 December 2019 under Criminal Code Article 282.2, Parts 1 and 2, but are now undergoing a retrial after an appeal court overturned the guilty verdict and sent their case back for re-examination (http://www.forum18.org/archive.php?article_id=2560). Proceedings in their second trial were halted on 14 May 2020 because of the coronavirus pandemic, and do not yet appear to have resumed.

Those named below do not include those convicted within Crimea, which is outside Russia's internationally-recognised borders.

Prisoner to be freed after remaining term turned to fine?

On 23 June 2020, a judge ruled that Dennis Ole Christensen, a Danish citizen who was the first Jehovah's Witness to be convicted and imprisoned for "continuing the activities of a banned extremist organisation", should be released early from his prison term. This is the first time a court has decided to change the remaining term of a Jehovah's Witness prisoner's sentence to a non-custodial punishment.

Judge Galina Petlitsa of Lgov District Court in Kursk Region decided that Christensen's remaining sentence should be commuted to a fine of 400,000 Roubles. If the prosecution does not appeal, the ruling will come into force in ten days' time, and Christensen should then be allowed to leave Labour Camp No. 3 in Lgov and return to his home in Oryol. He would be under no further restrictions.

Christensen was found guilty under Criminal Code Article 282.2, Part 1 on 6 February 2019 and sentenced to six years' imprisonment (http://www.forum18.org/archive.php?article_id=2479), of which he was due to serve about three years. He stood accused of "continuing the activities" of the local Jehovah's Witness registered religious organisation in Oryol, which had been declared "extremist" by a local court and liquidated in 2016, before the nationwide ban. He had previously applied for early release three times, but had been turned down during the application process.

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List of those convicted on "extremism"-related charges for exercising freedom of religion or belief, by category of punishment (regional headings refer to where people were tried, not where they are imprisoned).

CURRENT IMPRISONMENTS

- Republic of Dagestan

Izberbash City Court

28 May 2018

1) Ilgar Vagif-ogly Aliyev (born 16 February 1977) – 8 years + 2 years' restrictions on freedom (http://www.forum18.org/archive.php?article_id=2386)

Criminal Code Articles: 282.2, Part 1; 282.2, Part 1.1

Appeal: unsuccessful – 25 July 2018, Supreme Court of the Republic of Dagestan

Prison address: 410086, Saratovskaya oblast, g. Saratov, Peschano-Umetsky trakt, p. Yelshanka, FKU Ispravitelnaya koloniya No. 33 UFSIN Rossii po Saratovskoy oblasti

Lenin District Court, Makhachkala

7 November 2017

2) Artur Abdulgamidovich Kaltuyev (born 15 June 1986) – 3 years (http://www.forum18.org/archive.php?article_id=2339)

Criminal Code Article: 282.2, Part 1

Appeal: unsuccessful – 10 January 2018, Supreme Court of the Republic of Dagestan

Prison address: 309850, Belgorodskaya oblast, g. Alekseyevka, ul. Privokzalnaya 2A, FKU Ispravitelnaya koloniya No. 4 UFSIN Rossii po Belgorodskoy oblasti

- Oryol Region

Railway District Court, Oryol

6 February 2019

3) Dennis Ole Christensen (born 18 December 1972 – Danish citizen) – 6 years (http://www.forum18.org/archive.php?article_id=2479)

Criminal Code Article: 282.2, Part 1

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Appeal: unsuccessful – 23 May 2019, Oryol Regional Court

Prison address: 307754 Kurskaya oblast, g. Lgov, ul. Primakova 23A, FKU Ispravitelnaya koloniya No. 3 UFSIN Rossii po Kurskoy oblasti

On 23 June 2020, Lgov District Court decided that Christensen's remaining sentence should be commuted to a fine of 400,000 Roubles. He expects to be freed in ten days' time (see above).

- Pskov Region

Pskov City Court

9 June 2020

4) Gennady Valerianovich Shpakovsky (born 6 October 1958) – 6 years and 6 months + 1 year's restrictions on freedom + 3-year ban on leadership of and participation in the exercise of freedom of religion and belief (http://www.forum18.org/archive.php?article_id=2578)

Criminal Code Articles: 282.2, Part 1; 282.3, Part 1

Appeal: lodged at Pskov Regional Court on 15 June 2020

Prison address: 180000 Pskovskaya oblast, g. Pskov, ulitsa Nekrasova 39, FKU SIZO-1 (while appeal is pending)

- Saratov Region

Lenin District Court, Saratov

19 September 2019

5) Konstantin Viktorovich Bazhenov (born 10 May 1975) – 3 years and 6 months

6) Aleksey Vladimirovich Budenchuk (born 27 July 1982) – 3 years and 6 months

7) Gennady Vasilyevich German (born 12 June 1969) – 2 years and 6 months

8) Roman Aleksandrovich Gridasov (16 September 1978) – 2 years and 6 months

9) Feliks Khasanovich Makhammadiyev (born 14 December 1984) – 3 years

10) Aleksey Petrovich Miretsky (born 14 December 1975) – 2 years and 6 months

All six also have 1 year's restrictions on freedom + 5-year ban on holding leadership positions in any public organisation (http://www.forum18.org/archive.php?article_id=2578)

Some of the six have been tortured (http://www.forum18.org/archive.php?article_id=2554)

Criminal Code Article: 282.2, Part 1

Appeal: unsuccessful – 20 December 2019, Saratov Regional Court

Prison address: Bazhenov – 433510 Ulyanovskaya oblast, g. Dimitrovgrad, ul. Osipenko 22, FKU Ispravitelnaya koloniya No. 3 UFSIN Rossii po Ulyanovskoy oblasti; others – 460026, g. Orenburg, Krymsky pereulok 119, FKU Ispravitelnaya koloniya No. 1 UFSIN Rossii po Orenburgskoy oblasti

- Tomsk Region

October District Court, Tomsk

5 November 2019

11) Sergey Gennadyevich Klimov (born 26 March 1970) – 6 years + 1 year's restriction on freedom; 5-year ban on any educational

activity and posting material on the internet (http://www.forum18.org/archive.php?article_id=2536)

Criminal Code Article: 282.2, Part 1

Appeal: unsuccessful – 20 February 2020, Tomsk Regional Court

Prison address: 414044 Astrakhanskaya oblast, g. Astrakhan, ul. Sovetskoy Gvardii 50, FKU Ispravitelnaya koloniya No. 8 UFSIN Rossii po Astrakhanskoy oblasti

DETAINED AWAITING POSSIBLE DEPORTATION

- Khabarovsk Region

Blagoveshchensk City Court

19 June 2017

1) Yevgeny Lvovich Kim (born 5 October 1974) – 3 years and 9 months (http://www.forum18.org/archive.php?article_id=2290)

Criminal Code Articles: 282.2, Part 1, and 282, Part 1

Tortured while in pre-trial detention in 2015. (http://www.forum18.org/archive.php?article_id=2332)

Immediately on release deprived of Russian citizenship and left stateless.

Railway District Court, Khabarovsk

10 April 2019

fined under Administrative Code Article 18.8, Part 1 for failing to have documentation and ordered deported. (http://www.forum18.org/archive.php?article_id=2478)

Foreigners' detention centre address: 680003 Khabarovsky kray, g. Khabarovsk, ul. Repina 3, Tsentr vremennogo soderzhaniya inostrannikh grazhdan

SUSPENDED SENTENCES

- Khabarovsk Region

Railway District Court, Khabarovsk

18 February 2020

1) Yevgeny Anatolyevich Aksyonov (born 19 June 1967) – 2 years, suspended + 6 months' restrictions on freedom

Criminal Code Article: 282.2, Part 2

Appeal: unsuccessful – 26 May 2020, Khabarovsk Regional Court

4 February 2020

2) Stanislav Viktorovich Kim (born 5 July 1968) – 2 years, suspended + 2 years' probation

3) Nikolay Yuryevich Polevodov (born 10 February 1970) – 2 years, suspended + 2 years' probation

Criminal Code Article: 282.2, Part 2

Appeal: pending – next hearing on 2 July 2020, Khabarovsk Regional Court

- Primorye Region

Nadezhdinsky District Court

21 January 2020

4) Grigory Gennadyevich Bubnov (born 4 September 1965) – 6 years, suspended + 5 years' probation + 5-year ban on involvement in public organisations + 1-year ban on going to public events

Criminal Code Article: 282.2, Part 1

Appeal: unsuccessful – 18 March 2020, Primorye Regional Court

- Sakha Republic (Yakutiya)

Lensk District Court

1 April 2020

5) Igor Nikolayevich Ivashin (born 16 April 1976) – 6 years, suspended + 3 and a half years' probation + 1 year's restrictions on freedom + 5-year ban on holding leadership positions in any public organisation

Criminal Code Article: Article 282.2, Part 1

Appeal: unsuccessful – 21 May 2020, Supreme Court of the Sakha Republic

- Sverdlovsk Region

Karpinsk City Court

27 January 2020

6) Darya Igoryevna Dulova (born 10 March 2000) – 1 year, suspended, with 1 year's probation

7) Venera Nikolayevna Dulova (born 3 January 1961) – 2 years, suspended, with 2 years' probation

8) Aleksandr Vitalyevich Pryanikov (born 18 May 1987) – 2 years and 6 months, suspended, with 2 years and 6 months' probation

Criminal Code Article: 282.2, Part 2

Appeal: lodged on 18 June 2020 at Sverdlovsk Regional Court

FINES

- Kamchatka Region

Vilyuchinsk City Court

14 February 2020

1) Mikhail Yuryevich Popov (born 25 May 1962) – 350,000 Roubles

2) Yelena Vyacheslavovna Popova (born 10 September 1963) – 300,000 Roubles

Criminal Code Article: 282.2, Part 1 and 282.2, Part 1.1 – but changed to Part 2 by judge at sentencing

Appeal: partially successful – conviction upheld but fines reduced from 650,000 Roubles in total to 500,000 Roubles in total - 17 March 2020, Kamchatka Regional Court

- Murmansk Region

Polyarny District Court

24 January 2020

3) Roman Nikolayevich Markin (born 18 March 1974) – 300,000 Roubles (reduced from 600,000 Roubles to account for time spent in detention)

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4) Viktor Fyodorovich Trofimov (born 26 March 1957) – 350,000 Roubles (reduced from 650,000 Roubles to account for time spent in detention)

Criminal Code Article: 282.2, Part 1

Appeal: unsuccessful – 25 May 2020, Murmansk Regional Court

- Oryol Region

Oryol District Court

1 April 2019

5) Sergey Vladimirovich Skrynnikov (born 30 October 1962) – 350,000 Roubles

Criminal Code Article: 282.2, Part 2

Appeal: unsuccessful – 13 June 2019, Oryol Regional Court

- Perm Region

Ordzhonikidze District Court, Perm

14 November 2019

6) Aleksey Aleksandrovich Metsger (born 8 September 1975) – 350,000 Roubles

Criminal Code Article: 282.2, Part 2

Appeal: unsuccessful – 13 January 2020, Perm Regional Court

4 July 2019

7) Aleksandr Vasilyevich Solovyov (born 13 February 1970) – 300,000 Roubles

Criminal Code Article: 282.2, Part 2

Appeal: unsuccessful – 5 September 2019, Perm Regional Court

ASSIGNED WORK (prinuditelniye raboty)

- Khabarovsk Region

Railway District Court, Khabarovsk

2 September 2019

1) Valery Vasilyevich Moskalenko (born 15 April 1967) – 2 years and 2 months' assigned work + 6 months' restrictions on freedom

Criminal Code Article: 282.2, Part 2

Appeal: partially successful (conviction upheld but punishment reduced to 500,000 Rouble fine which was waived because of time spent in detention) – 5 November 2019, Khabarovsk Regional Court

(END)

Full reports on freedom of thought, conscience and belief in Russia (http://www.forum18.org/archive.php?query=&religion=all&country=10)

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

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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 (http://www.forum18.org/archive.php?article_id=1468)

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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