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RUSSIA: "Unfortunately the judge did not agree with the prosecutor"

By Felix Corley, Forum 18

Rashid Abdulov, a Muslim who reads the works of theologian Said Nursi, told Forum 18 News Service he was pleased to have been freed on 7 September after nearly eight months' detention. But he rejects the extremism-related charges on which he was convicted and handed a one-year sentence of compulsory work. However, Ulyanovsk Regional Prosecutor's Office told Forum 18 the sentence is too "mild" and will appeal "as we believe he deserves a four-year term in a labour camp". Fellow Nursi reader Asylzhan Kelmukhambetov's appeal is continuing in Orenburg against his 18-month prison term. A diabetes sufferer, he is in the prison hospital. His lawyer told Forum 18 that the judge rejected her request for him to be freed while the appeal is heard. Eight criminal cases on extremism-related charges are underway against Jehovah's Witnesses in Russia, four of the cases against named individuals. One is already on trial, while the cases of two more have just been handed to court.

Russian prosecutors have vowed to challenge what they regard as too "mild" a sentence handed down on 7 September to Rashid Abdulov, a reader of the works of the late Turkish Muslim theologian Said Nursi in the Volga city of Ulyanovsk. Abdulov received a one-year sentence of compulsory work on extremism-related charges, and was freed in the courtroom as he had already been held in detention since January. "The Prosecutor's Office will appeal as we believe he deserves a four-year term in a labour camp," Vasili Zima of the Ulyanovsk Regional Prosecutor's Office told Forum 18 News Service on 8 September. "Unfortunately the judge did not agree with the prosecutor."

Abdulov welcomed his release after nearly eight months' detention, although he rejects the finding of guilty. "They said we formed an extremist group – but I don't agree with this," he told Forum 18 on 7 September. "The FSB [security service] pressure me while I was in pre-trial detention to confess. But it feels good now it is over." He had to sign a pledge not to leave Ulyanovsk over the next ten days. However, since he spoke the Prosecutor's Office announced its decision to appeal.

Liliya Bakayeva of Lenin District Court in Ulyanovsk confirmed to Forum 18 that Judge Gelsine Miftakhova sentenced Abdulov on 7 September under 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") and Article 282, Part 2 (c) ("Incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of human dignity conducted by an organised group"). She stressed that the sentence has not yet come into force.

Nursi readers and Jehovah's Witnesses are particular victims of extremism-related accusations, which they vigorously deny. Yet a growing number are facing criminal prosecution.

Eight criminal cases are known to be underway against Jehovah's Witnesses, their spokesperson Grigory Martynov told Forum 18 from St Petersburg on 12 September. A ninth – in Asbest – was halted in March 2010, though in theory it could be restarted (see F18News 22 March 2010 http://www.forum18.org/Archive.php?article_id=1424).

Prosecutors to appeal

A 34-year-old Azerbaijani citizen, Abdulov was arrested in Ulyanovsk on 20 January, but his trial did not begin until 12 July. Prosecutor Aleksei Tikhonov led the case in court.

The prosecution claimed that "under the guise of conducting lessons of the study of Islam" Abdulov and fellow Nursi reader Ayrat Akhtyamov promoted the ideas of the Nurdzhular movement, which was banned by Russia's Supreme Court in April 2008. Readers of Nursi's work insist that no such movement exists and that they meet to read Nursi's work because they find it helpful to understand their faith better. The prosecution also said that the groups Abdulov and Akhtyamov led studied works by Nursi which have been declared "extremist" and banned by Russian courts (see F18News 19 July 2011 http://www.forum18.org/Archive.php?article_id=1594).

Zima of the Prosecutor's Office admitted to Forum 18 that Abdulov had not killed anyone. However, he insisted Abdulov deserves a

prison term "because he called for an Islamic Caliphate in meetings in conspiratorial flats". "This is a case of extremism and there is a danger Abdulov could kill someone," he claimed.

Zima praised the work in the case of the Federal Security Service (FSB), which was involved in raiding a meeting in Ulyanovsk after which Abdulov was arrested.

Abdulov told Forum 18 that the FSB had also sought and received information about him from Azerbaijan's National Security Ministry (he had been given a five-day prison term in Azerbaijan as a Nursi reader in 2006).

Zima added that books confiscated from Abdulov and held as evidence during the trial "will be destroyed when the verdict comes into force".

Akhtyamov and the former imam of Ulyanovsk's cathedral mosque, Ikham Khisanutdinov, also accused of similar "offences" as part of the same investigation, are both being hunted by the federal authorities, Zima of the Prosecutor's Office told Forum 18.

The Regional Department of the FSB security service declined to comment on Abdulov's case to Forum 18 on 12 September.

Not a "secret case"

Bakayeva insisted that details of all cases heard by the court are placed on the Lenin District Court's website – "there are no secret cases". Strangely, Forum 18 could find there no record of Abdulov's case. (Other court websites elsewhere in Russia appear not to have listed some cases against other Nursi readers, although cases against Jehovah's Witnesses generally do appear to be listed.)

Bakayeva maintained that it could be because the verdict has not yet come into force (the website records cases at all stages, as soon as a case has arrived at the court before a trial has started). Aleksandra Moskalonova, the court secretary who places material on the court website, was unable to tell Forum 18 on 12 September why Abdulov's case had not appeared. Both she and Bakayeva denied that information on Abdulov's case had been deliberately suppressed.

Nursi appeal in Orenburg

Meanwhile, the appeal of fellow Nursi reader Asylzhan Kelmukhambetov resumes under Judge Svetlana Shabanova at Lenin District Court in the Urals town of Orenburg on 13 September, a court spokesperson told Forum 18 on 12 September. He said previous hearings on 10 August, 24 August and 2 September were cancelled when witnesses failed to appear. However, he did not know if these were prosecution or defence witnesses.

"It will probably be about two months until a decision on the appeal," Kelmukhambetov's lawyer Raulya Rogacheva told Forum 18 from the city on 12 September. "I will ask for specialists to conduct an expert analysis on the Nursi books confiscated from him."

On 28 June, after a trial lasting nearly a year, Kelmukhambetov was found guilty under Criminal Code Article 282.2, Part 1. He was sentenced to 18 months' imprisonment, becoming the first Nursi reader in Russia to receive a criminal sentence of imprisonment (see F18News 30 June 2011 http://www.forum18.org/Archive.php?article_id=1588).

Kelmukhambetov had not been in detention as the trial proceeded, but was arrested in the courtroom when the guilty verdict was handed down. He was taken to Orenburg's Investigation Isolation Prison No. 1. Most of the time there he has spent in the prison hospital, as he is suffering from the effects of diabetes.

Rogacheva applied again to the Lenin District Court for her client to be freed as the appeal is heard, but Judge Shabanova rejected this, the lawyer complained to Forum 18. However, she said she does have access to her client in the prison hospital.

As in the case of Abdulov in Ulyanovsk, Forum 18 was unable to find Kelmukhambetov's case on the website of Lenin District Court.

Makhachkala appeal to conclude?

The appeal against the criminal conviction of another Nursi reader, Ziyavdin Dapayev from the southern Russian republic of Dagestan, is likely to conclude on 19 September, as he told Forum 18 from Makhachkala on 12 September. He said he remains hopeful that his criminal conviction will be overturned. "The judge is objective – and if he alone decided I am sure I'd be acquitted. But we hear there is great pressure on him from the FSB security service."

Dapayev's appeal began under Judge Magomed Onzholov at Makhachkala's Lenin District Court on 20 June. He had been convicted on 18 May under Article 282.2, Part 1 by a local magistrate, who gave him a suspended three-year prison sentence (see F18News 19 July 2011 http://www.forum18.org/Archive.php?article_id=1594).

Eight known criminal cases

Martynov of the Jehovah's Witnesses told Forum 18 that of the eight known current criminal cases against Jehovah's Witnesses, four are against named individuals.

A further hearing – the tenth - in the second criminal trial of Aleksandr Kalistratov took place in Gorno-Altai City Court today (12 September), the court website notes. Appearing as one of the defence witnesses (as he had done in the first trial) was Mikhail Odintsov, the top official dealing with religious issues at the office of Russia's Human Rights Ombudsperson in Moscow. The eleventh hearing is due tomorrow (13 September).

Kalistratov is facing charges under Criminal Code Article 282, Part 1 ("Incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of human dignity"). After six months in court he was acquitted in April at his first trial. This was overturned after prosecutors appealed and the case was sent for a second trial, which began on 22 June (see F18News 31 August 2011 http://www.forum18.org/Archive.php?article_id=1606).

A criminal investigation is also underway in Yoshkar-Ola in the Mari-El Republic against Jehovah's Witness Maksim Kalinin (see F18News 30 November 2010 http://www.forum18.org/Archive.php?article_id=1515).

In Chita, Andrei and Lyutsiya Raitin are now facing trial, while in Astrakhan Region a criminal case against Yelena Grigoryeva is being prepared (see below).

Two of the eight cases are against "unknown persons". In two further cases which have recently been lodged – in Taganrog and Cheboksary – prosecutors have not yet revealed who is facing charges.

"We don't give out such information"

The Investigation Committee for the Chuvash Republic announced on its website on 7 September that its Department for Investigating Especially Important Cases was investigating an unnamed 38-year-old resident of Cheboksary under Criminal Code Article 282, Part 1. The Jehovah's Witness is being investigated on accusations of distributing in the town and in the nearby town of Kanash books which are on the Federal List of Extremist Materials. The Investigation Committee accused the individual of thereby aiming "to incite enmity"

The official who answered the phone of Investigation Committee press officer Oleg Dmitriev on 12 September said he was away on leave. The official – who would not give his name – refused to identify the 38-year-old Jehovah's Witness being investigated or to add any information than that published on the website. "We don't give out such information because of the secrecy of the investigation," he told Forum 18.

The official admitted he had not read the Supreme Court's 28 June instruction that prosecutions under extremism-related charges should be brought with great care and only in limited circumstances (see F18News 19 July 2011 http://www.forum18.org/Archive.php?article_id=1594). "But we work very carefully anyway," he insisted.

In Taganrog in Rostov Region, a criminal case was opened – apparently in late August - against unnamed Jehovah's Witnesses under Criminal Code Article 282.2, Part 1, Martynov told Forum 18. The case was opened after co-ordinated mass raids on at least 19 Jehovah's Witness homes in Taganrog and surrounding areas on 25 August. The raids, which began at 6.30 am, involved police and FSB security service officers. One home raided was of a married couple in their eighties, one of whom is a wheelchair user.

Rostov-on-Don Regional Court dissolved the Jehovah's Witness community in Taganrog as "extremist" in September 2009. Russia's Supreme Court in Moscow upheld the liquidation in December 2009 (see F18News 8 December 2009 http://www.forum18.org/Archive.php?article_id=1385). The community is challenging the enforced liquidation in the European Court of Human Rights in Strasbourg.

Chita case handed to court ..

Andrei and Lyutsiya Raitin, a Jehovah's Witness married couple in their thirties, are facing criminal prosecution in the Siberian city of Chita. The Investigation Committee for Baikal Region, which includes Chita, noted on its website on 7 September that a criminal case has been completed against the couple, whom it did not name, under Article 282, Part 1 and handed to court.

It alleged that in 2010, the couple, "pursuing the aims of inciting religious and social hatred" and knowing that it had been declared "extremist", distributed Jehovah's Witness literature in the village of Novotroitsk near Chita. Investigators claim they distributed 16 named texts, which were confiscated from them. "The crime was revealed by operational workers of the Regional Department of the FSB security service," the Investigation Committee noted.

A Baikal Region FSB security service spokesperson told the Ria-Novosti website that the case had been handed to court on 7

September. He said that the regional FSB, the police, the Prosecutor's Office and the Investigation Committee had all worked on the case.

The case against the Raitins was opened on 8 July. That month Anatoly Tskhai of the Investigation Committee refused to discuss the case with Forum 18 (see F18News 19 July 2011 http://www.forum18.org/Archive.php?article_id=1594). Telephones of the investigators went unanswered when Forum 18 called on 12 September.

.. while investigation continues in Astrakhan Region

Meanwhile, investigator Oleg Mironenko told Forum 18 on 30 August that he and his colleagues are still working on the case against Yelena Grigoryeva, a Jehovah's Witness from Akhtubinsk in the southern Astrakhan Region. A case is being investigated against her under Article 282, Part 1 which, another investigator told Forum 18 in July, was due to have been completed in August and handed to Akhtubinsk Town Court (see F18News 19 July 2011 http://www.forum18.org/Archive.php?article_id=1594).

"I can't say when the investigation will be completed and the case will be handed over to the court," Mironenko told Forum 18. Asked whether anyone had suffered from Grigoryeva's alleged activity, he responded: "No one was injured and no one was killed." Asked why she is being prosecuted, he insisted Forum 18 had not understood the "particularities" of Russian criminal law, which he refused to explain. He also refused to say if he had read the Supreme Court's instruction of 28 June on extremism-related prosecutions.

The telephones both of Mironenko and another investigator in the case, Ilya Kamenyukin, went unanswered on 12 September. (END)

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).

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, is at F18News 26 May 2005 http://www.forum18.org/Archive.php?article_id=570.

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.

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://education.nationalgeographic.com/education/mapping/outline-map/?map=Russia>.

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