

26 March 2012

RUSSIA: Psychiatric examination, lawyer gagged, car tampering

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

Russia's FSB security service is seeking to have a Muslim being investigated on "extremism"-related criminal charges forcibly detained in a psychiatric facility for a psychiatric evaluation, after he refused to undergo one voluntarily, Forum 18 News Service has learned. Amir Abuev, a Muslim resident of the Baltic exclave of Kaliningrad, has been forced to sign a statement that he will not leave the city. "They're trying to prove he is mad, but he is a perfectly sane individual," his Moscow-based lawyer Sergei Sychev told Forum 18. Abuev's car has also been tampered with – despite his being under surveillance from the authorities - and Abuev's local lawyer has been obliged to sign an order banning them from discussing the case publicly until the investigation is completed. The FSB investigator has several times refused adamantly to discuss any aspect of the case with Forum 18. The 31-year-old Abuev - a reader of the works of the late Turkish Muslim theologian Said Nursi - denies any wrongdoing.

Russia's FSB security service is seeking through a court to have a Muslim being investigated on "extremism"-related charges forcibly detained in a psychiatric facility for a psychiatric evaluation, after he refused to undergo one voluntarily, Forum 18 News Service has learned. Amir Abuev, a Muslim resident of the Baltic exclave of Kaliningrad, had criminal charges lodged against him in February the day before a raid on his home, and he has been forced to sign a statement that he will not leave the city.

"They're trying to prove he is mad, but he is a perfectly sane individual," his Moscow-based lawyer Sergei Sychev told Forum 18 from the Russian capital on 23 March. On 19 March, FSB investigator Lieutenant Artyom Voychenko ordered Abuev's local lawyer to sign an order banning them from discussing the case publicly until the investigation is completed. Voychenko has several times refused adamantly to discuss any aspect of the case with Forum 18.

The 31-year-old Abuev, who prefers the first name Amin, denies any wrongdoing. He is a reader of the works of the late Turkish Muslim theologian Said Nursi.

Car tampered with

On the evening of 5 March, the same day that the Regional Court rejected an appeal from the FSB to hold him in pre-trial detention, Abuev was leaving his flat with his lawyer Sychev and went to his car parked among about twenty others outside his block. He was just about to start the engine when Sychev noticed that the exhaust pipe had been plugged to a depth of about 60 cms (24 inches) with what appeared to have been construction foam which hardens when it dries.

"Only his car was targeted of all the others, so I doubt it was random vandalism," Sychev told Forum 18. He fears that had Abuev turned on the engine, the two of them could have been harmed.

Abuev lodged a report with the Prosecutor's Office immediately, Sychev added. However, he said the Prosecutor's Office appears to have done nothing to investigate the tampering with the car.

Raid, criminal case

On the evening of 11 February, Abuev's flat was raided by the FSB security service as he and seven friends were preparing to start the namaz (prayers). Books, a computer and mobile phones were confiscated after an eight-hour search. Participants were questioned all night, while Abuev was detained for about 48 hours. A criminal case was launched against Abuev on 10 February, though this was not made public until 14 February, after the raid.

The FSB told the local media that Abuev belongs to the Nurdzhular movement, which was banned as "extremist" by Russia's Supreme Court in April 2008. Like other Nursi readers, Abuev denies that this movement exists (see F18News 29 May 2008 http://www.forum18.org/Archive.php?article_id=1136).

Abuev is charged with breaking 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"). The FSB sought to have Abuev held in pre-trial detention but, on 13

February, Kaliningrad's Central District Court rejected the request. The FSB was then forced to release him (see F18News 1 March 2012 http://www.forum18.org/Archive.php?article_id=1674).

However, the FSB challenged the rejection of its request, but Kaliningrad Regional Court rejected the FSB's appeal on 5 March.

Psychiatric evaluation sought

FSB Investigator Voychenko telephoned Abuev on 16 March to summon him for further questioning on 19 March and to tell him that he would be forced to undergo a psychiatric evaluation within the next week. He did not explain why this was necessary, Abuev told Forum 18. On 19 March, Abuev adamantly refused to undergo a psychiatric evaluation voluntarily, insisting he is mentally healthy.

Inspector Voychenko refused to explain to Forum 18 why he is seeking a psychiatric evaluation and when he will lodge a suit to court.

Abuev's lawyer Sychev points out that generally it is the defence in a case which seeks a psychiatric evaluation, not the prosecutor.

In addition to Jehovah's Witnesses, who can recall no similar prosecutors' attempts to force their followers to undergo psychiatric evaluations, in no other current or recent criminal prosecutions of Muslims who read Nursi's works – to Forum 18's knowledge - have similar such attempts been made.

The last known such case came in December 2005 in Tatarstan. Five women in a Nursi study group were summoned for questioning by the republican FSB in Kazan. Told that the procedure would take 15 minutes, they were subjected to a five-hour interrogation by local psychiatrists and psychologists (see F18News 11 July 2007 http://www.forum18.org/Archive.php?article_id=992).

Abuev's Moscow-based lawyer Sychev, as well as Moscow-based human rights defender Yelena Ryabinina, fear that if Abuev is detained in a closed psychiatric facility for such an evaluation, he will be at the mercy of the authorities.

Ryabinina notes that Abuev has never been on the psychiatric register, has never sought psychiatric treatment, is not on the drug users' register, has never sought drug treatment and has never suffered head injuries. "Moreover, he successfully completed his military service, which itself testifies to his psychological health," Ryabinina added. "Abuev has reason to fear for his life if he is detained in a psychiatric hospital."

However, local Ombudsperson Nikitin dismisses such fears. "Psychiatric abuse here in Russia happened a long time ago," he insisted to Forum 18. "Such fears are unfounded."

Jehovah's Witness spokesperson Grigory Martynov told Forum 18 that, despite numerous criminal cases on "extremism"-related charges against individual Jehovah's Witnesses, he does not recall any attempts to conduct forced psychiatric assessments of them.

Lawyer gagging order

On 19 March, FSB Investigator Voychenko obliged Abuev's local lawyer to sign a statement not to make public any details of the case while the investigation is underway. Such a procedure is permitted under Article 49, Part 5 of the Code of Criminal Procedure in cases which "contain information representing a state secret" and to which the lawyer "does not have appropriate access".

Abuev's Moscow-based lawyer Sychev told Forum 18 he has not been in Kaliningrad since early March and has not been required to sign such a pledge. "But I believe they'll try to do this to me too," he said. "If they do I'll lodge a challenge."

Forum 18 has been unable to find out the nature of the "state secret" the case allegedly contains, as Inspector Voychenko refuses to discuss the case.

Ombudsperson Nikitin insisted that such gagging orders are normal in cases involving the FSB.

Continuing "extremism cases"

Meanwhile, the criminal trial of 44-year-old Jehovah's Witness Yelena Grigoryeva is due to resume tomorrow afternoon (27 March) at Akhtubinsk District Court in the southern Astrakhan Region, the court website notes. Her trial on "extremism"-related charges began on 28 February (see F18News 5 March 2012 http://www.forum18.org/Archive.php?article_id=1675).

Two criminal investigations on the same "extremism"-related charges are also underway against at least 15 Jehovah's Witnesses in the southern Russian town of Taganrog. These are the largest criminal cases against Jehovah's Witnesses launched in Russia since 1991, Jehovah's Witnesses complained to Forum 18. One of those being investigated is just 17 years old (see F18News 28 March 2012 http://www.forum18.org/Archive.php?article_id=1685).

Ombudsperson appeal

Abuev appealed to Kaliningrad Regional Ombudsperson Vladimir Nikitin over the way the case against him is being prepared and insisting he is innocent of any wrongdoing. Nikitin told Forum 18 on 26 March. He said on 20 March, within a day or two of receiving Abuev's appeal, he wrote to Kaliningrad Region's Prosecutor, Aleksei Samsonov, asking him to check whether the FSB security service had adequate reasons for launching the criminal case and whether the case is being investigated in accordance with the law.

Abuev's friends fear that the blocking of his car's exhaust pipe – which he and his lawyer Sychev discovered on 5 March – may have been an attempt to harm him. They point out that he is under surveillance wherever he goes in the city. However, Nikitin insists that fears for his life are "exaggerated". "I believe his life is not in danger," he told Forum 18.

An official of the Regional Prosecutor's Office told Forum 18 on 26 March that Nikitin's appeal had been registered earlier that day and assigned to Yelena Nikolenko of that office for investigation.

Nevertheless, Nikitin defended the FSB security service. "The FSB has very qualified, professional employees," he insisted, "who conduct investigations at a very high level."

"Expert examination" of confiscated books

On 27 January – even before the raid on Abuev's home – the Kaliningrad FSB requested an "expert examination" of the Russian translation of one book by Nursi, Slova (Words), a copy of which was seized the following month in the raid on Abuev's flat. The book was sent to Kazan University, where it was assigned to Rafis Zakirov, a lecturer in Eastern Studies and also an employee of the Interregional Expertise Centre, which is headed by Vadim Kozlov.

Zakirov said he had completed his 20-page religious-studies expert analysis in February at Kozlov's request and in response to the Kaliningrad FSB's commission. "I found that the book belongs to the Nurdzhular movement and is an ideological source for this stream of Islam," he told Forum 18 from Kazan on 19 March.

Asked whether he believes Nurdzhular exists, Zakirov responded: "How can it not exist? It does. But I was not asked the question of whether or not the organisation exists, nor whether the book is extremist. A court must determine this."

Zakirov insisted he could not have refused to conduct the "expert examination" as he works for the Expertise Centre. He said he had conducted a similar "expert examination" on other books by Nursi in 2005 at the request of Tatarstan FSB. He declined to say how much he earned on the latest examination, maintaining that it was "a lot less" than 50,000 Roubles, the amount paid to those who have examined Jehovah's Witness works. The costs for the analysis are borne by Kaliningrad FSB.

On 6 March, three and a half weeks after the raid, a further 21 of Nursi's books confiscated from Abuev were sent for "expert examination", again to Kazan University. Kozlov told Forum 18 on 26 March that the books have been assigned to psychologists and religious studies specialists, though he refused to name them or say how much Kaliningrad FSB are due to pay for the expert analysis. He said his Expertise Centre aims to complete the analysis by early June.

Kozlov insisted Nursi's books represent a danger for Russia. "There are many risks of extremism connected with religious literature in this country," he told Forum 18, "including from Nursi's books. If there weren't a danger, they would not have been banned and placed on the Federal List of Extremist Materials."

Federal List censorship covers Labour Camp in Udmurtia

A total of 19 of Nursi's works are now on the Federal List, as well as 68 Jehovah's Witness publications. Anyone distributing works on the Federal List or storing them with the intention of distributing them is liable to criminal prosecution (see eg. F18News 21 June 2011 http://www.forum18.org/Archive.php?article_id=1582).

In the southern part of the western Ural Mountains "several leaders" of Labour Camp IK-7 in the village of Azino in Udmurtia are likely to face unspecified "disciplinary responsibility", Udmurt Republic Prosecutor's Office declared on its website on 23 March. Prosecutors checking the Library of the residential zone of the Camp found three banned works by Nursi. They were banned by Moscow's Koptevo District Court as "extremist" in May 2007. Moscow City Court and Russia's Supreme Court upheld the Koptevo Court decision later in 2007 (see F18News 27 June 2007 http://www.forum18.org/Archive.php?article_id=981).

Prosecutor's Offices across Russia routinely search public and institutional libraries to ensure that works on the Federal List are not available to the public. Internal government documents have revealed that moves against Jehovah's Witnesses and Muslim readers of Nursi's works are co-ordinated at a high state level. Both Jehovah's Witnesses and Nursi readers have been targeted in ways that suggest that their believers and communities are closely

watched by the police and FSB security service - both within and outside

their communities. One Russian Orthodox Church diocese has been involved in

this, and private employers and public libraries have also been ordered to

co-operate in the campaign.(see F18News 12 August 2010

http://www.forum18.org/Archive.php?article_id=1478).

Forum 18 was unable to reach the head of the Labour Camp, Sergei Vetluzhskikh, or any other official prepared to discuss the issue. The Duty Officer said on 26 March that no senior officers were present.

Still waiting for Strasbourg

A case against the Koptevo District Court decision was lodged in December 2007 with the European Court of Human Rights in Strasbourg (Application No. 1413/08) (see F18News 20 April 2011 http://www.forum18.org/Archive.php?article_id=1565).

However, despite correspondence between the Court and the Russian government, no admissibility decision has yet been taken. (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.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.

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>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY