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RUSSIA: "The crime he is being accused of does not envisage the existence of victims"

By Felix Corley, Forum 18

Two separate criminal trials in Russia, on "extremism"-related charges, have started of Muslims who read the works of theologian Said Nursi, Forum 18 News Service notes. The sixth hearing in the trial of Ramil Latypov is due to begin in the southern Urals city of Orenburg on 22 October, and the trial of Farida Ulmaskulova, Gulnaz Valeyeva and Venera Yuldasheva in Chelyabinsk east of the Urals is due to resume on 26 November. Asked who had been the victims of Latypov's alleged "extremist" activity, a Prosecutor's Office official told Forum 18 that there had been no victims, and none were appearing at the trial. Also, the criminal trial of a Jehovah's Witness in the southern Astrakhan Region has been adjourned. However, in Chuvashia in the central part of European Russia, Jehovah's Witnesses Igor Yefimov and Aleksei Nikolaev were freed from pre-trial detention. They are among five local Jehovah's Witnesses still facing "extremism" criminal charges for exercising their freedom of religion or belief.

Russia has begun two separate criminal trials, on "extremism"-related charges, of Muslims who read the works of the late Turkish Muslim theologian Said Nursi, Forum 18 News Service notes. The trial of a man began in the southern Urals city of Orenburg on 24 September, with the sixth hearing due on 22 October, the Magistrate's Court told Forum 18. The trial of three women began in Chelyabinsk east of the Urals on 3 October and is due to resume on 26 November. Also, the criminal trial of a Jehovah's Witness in the southern Astrakhan Region has been adjourned.

Orenburg trial underway - eventually

The trial of Ramil Latypov began at Judicial Unit No.1 of Orenburg's Lenin District under Magistrate Igor Zhrebyatev on 24 September, the Judicial Unit told Forum 18 on 10 October. Further hearings followed in late September and early October. The trial is due to resume on 22 October. He is being tried under Criminal Code Article 282.2, Part 1. Appearing in court for the prosecution is Aleksandr Koryakin, senior aide to Lenin District Prosecutor.

The case against the 25-year-old Latypov was launched in 2010, a year after he with other Muslim readers of Nursi's works was raided by Orenburg's Organised Crime Police and the FSB security service (see F18News 16 July 2009 http://www.forum18.org/Archive.php?article_id=1328).

The case has been repeatedly transferred from one court to another after questions over the location of where his alleged "crimes" took place (see F18News 30 August 2012 http://www.forum18.org/Archive.php?article_id=1736).

The case then arrived at Lenin District's Judicial Unit No. 4 on 11 September. However, the case was then handed to Magistrate Zhrebyatev at Judicial Unit No. 1, as the Magistrate at Judicial Unit No. 4 is on leave.

"The crime he is being accused of does not envisage the existence of victims"

Yelena Akimova, spokesperson for Lenin District Prosecutor's Office, told Forum 18 from Orenburg on 10 October that she was unable to comment on the case as it is now in court. However, she vigorously refuted suggestions that Latypov is being punished for exercising his freedom of religion or belief.

Asked who had been the victims of Latypov's alleged "extremist" activity, Akimova said there had been no victims, and none were appearing at the trial. "The crime he is being accused of does not envisage the existence of victims," she told Forum 18. Asked to explain how a crime can be a crime if there are no victims, she responded: "I can't give you a commentary on the criminal law of the Russian Federation."

Chelyabinsk trial begins

The criminal trial of three Muslim women who read Nursi's works – Farida Ulmaskulova, Gulnaz Valeyeva and Venera Yuldasheva – began under Judge Lyubov Borzova at Chelyabinsk's Lenin District Court on 3 October. The trial is due to resume on 26

November, the Court website notes.

The three women are being tried under Criminal Code Article 282.2, Part 2 and Article 282, Part 1 (see F18News 30 August 2012 http://www.forum18.org/Archive.php?article_id=1736).

"Their lawyer twice appealed for the case to be returned for a re-examination because of the many violations by the investigation," local Muslims told Forum 18. "In particular, the so-called 'expert analysis' was done by people far from the theme of Islam and religion in general." The first request was rejected, but the second request to adjourn the hearing was accepted. "The prosecutor was obliged to agree."

The case was launched after raids in August 2011 – during the Muslim holy month of Ramadan - on a summer home in a village in Kurgan Region where Ulmaskulova was teaching Islam to seven girls. Almost simultaneously, Ulmaskulova's and Valeyeva's homes in Chelyabinsk were raided. Religious books and other items were also confiscated (see F18News 12 January 2012 http://www.forum18.org/Archive.php?article_id=1654).

Trial to continue

The only Jehovah's Witness currently on trial on criminal charges is Yelena Grigoryeva. Her trial under Article 282, Part 1 began under Judge Aleksandr Shalaev at Akhtubinsk District Court in the southern Astrakhan Region on 28 February in a case that was launched in early 2011. On 25 April 2012 the Court ruled that another "expert analysis" of religious literature confiscated from her was needed (see F18News 6 June 2012 http://www.forum18.org/Archive.php?article_id=1709).

The expert analysis was commissioned at the most recent hearing in the case, on 30 August, the court website notes. It gives no date for the resumption of the trial. However, Jehovah's Witnesses told Forum 18 they expect a resumption in late October or early November.

Long investigations, lengthy trials, but..

Despite long investigations and often lengthy trials – many of which involve the FSB security service and Police Anti-Extremism Centres – few cases on "extremism"-related charges against people exercising their freedom of religion or belief end with convictions, and even fewer with prison terms.

"Extremism"-related trials of 18 Muslim readers of Nursi's works and Jehovah's Witnesses are known to have been completed:

- Five (all Muslim readers of Nursi's works) ended with prison terms;
- Five (all Muslim readers of Nursi's works) ended with suspended sentences;
- Two (both Jehovah's Witnesses) ended with community service orders;
- Two (both Jehovah's Witnesses) ended in acquittals;
- and the trial of four (all Muslim readers of Nursi's works) ran out of time before any verdict was reached.

In the second of the two acquittals, Prosecutors failed to overturn the acquittal of Jehovah's Witness Maksim Kalinin. On 10 October, Mari-El Supreme Court dismissed the prosecutor's appeal and upheld the not-guilty verdict handed down by Yoshkar-Ola City Court on 20 July (see F18News 31 July 2012 http://www.forum18.org/Archive.php?article_id=1727).

However, trials and investigations against Muslims and Jehovah's Witnesses for exercising their freedom of religion or belief continue (see F18News 6 June 2012 http://www.forum18.org/Archive.php?article_id=1709).

Prosecutors frequently use the Code of Administrative Offences to punish people exercising freedom of religion or belief on "extremism"-related charges. But just as prosecutors face difficulties securing criminal prosecutions of people exercising freedom of religion or belief under the controversial Extremism Law, they also appear to face similar difficulties securing prosecutions under the Code of Administrative Offences (see Forum 18's survey of religious freedom violations related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724).

Freed after 45 days

However, in Chuvashia in the central part of European Russia, Jehovah's Witnesses Igor Yefimov and Aleksei Nikolaev were freed from pre-trial detention on 10 September on the instruction of Chuvashia's Supreme Court. "Remarkably, even the Prosecutors appearing in court backed their release, as the investigation did not present enough proof supporting such a harsh detention measure," Jehovah's Witnesses told Forum 18 on 10 September.

But Yefimov and Nikolaev are two of five local Jehovah's Witnesses who still face "extremism" criminal charges. The five had been detained on 26 July together with two other local Jehovah's Witnesses. All face criminal prosecution under Criminal Code Article 282, Part 2 (c); Article 282.1, Part 1; and Article 282.1, Part 2 (see F18News 30 August 2012 http://www.forum18.org/Archive.php?article_id=1736).

The investigation against the five is being led by Aleksandr Sotnikov, Investigator for Especially Important Cases. "The investigation is continuing, evidence is being collected," he told Forum 18 from Cheboksary on 10 October. He declined to discuss whether there had been any victims of the five Jehovah's Witnesses' activity. He said he was unable to say when the investigation is likely to be complete. Asked why the investigation had sought the continued pre-trial detention of two of Yefimov and Aleksei Nikolaev, Sotnikov said he was very busy and put the phone down.

Criminal Code Articles

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 .. attitude to religion, .. conducted publicly or through the media") carries a maximum punishment of two years' imprisonment.

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") carries a maximum punishment of five years' imprisonment.

Article 282.1, Part 1 ("Creation or leadership of an extremist organisation") carries a maximum punishment of four years' imprisonment.

Article 282.1, Part 2 ("Participation in an extremist organisation") carries a maximum punishment of two years' imprisonment.

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") carries a maximum punishment of three years' imprisonment.

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") carries a maximum punishment of two years' imprisonment. (END)

For more background, see Forum 18's surveys of the general state of religious freedom in Russia at http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

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.

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.

More 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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