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RUSSIA: Criminal convictions for "extremist" prayer and Bible-reading meetings

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

After more than 60 hearings over 10 months, a Judge in Taganrog in southern European Russia found 14 men and two women guilty of "extremism" on 30 November for continuing to meet to pray and read the Bible after their community was banned. He handed down heavy fines (which he waived) and suspended prison terms. All 16 Jehovah's Witnesses intend to appeal against what they describe as "a dangerous precedent for religious freedom in Russia", as soon as they have the written verdict. Pensioner Aleksei Koptev, one of those on five years' probation, told Forum 18 News Service he would appeal "because I did not commit any crime". He is in poor health and has suffered a heart attack, he added. Prosecutors in the Siberian city of Krasnoyarsk are seeking jail sentences for at least two of the three Muslims whose criminal trial for meeting to study their faith and the works of theologian Said Nursi is expected to end soon. Contrastingly, the trial of 16 alleged members of Tabligh Jamaat in Novosibirsk ended without sentences, as it was not completed within the required two years.

All 16 Jehovah's Witnesses criminally convicted in Taganrog in southern European Russia on 30 November for organising or participating in "an extremist organisation" intend to appeal against their convictions, Jehovah's Witnesses told Forum 18 News Service. The Judge handed down heavy fines (which he waived) and suspended prison terms to punish the 14 men and two women for continuing to meet to pray and read the Bible. They are waiting for the written verdict. The re-trial lasted 10 months, with more than 60 hearings.

One of those convicted, 71-year-old Aleksei Koptev, said he had not expected the guilty verdict. He insisted to Forum 18 from Taganrog on 3 December that he would be appealing against his conviction "because I did not commit any crime". He added that he was a pensioner already in poor health, and has suffered a heart attack and a number of other illnesses.

The criminal trial of three Muslims in the Siberian city of Krasnoyarsk who met to study their faith – similarly on "extremism"-related charges – is expected to end soon. Prosecutors are seeking the imprisonment of at least two of the three men (see below).

An atheist blogger is facing criminal trial in Stavropol in southern European Russia for disparaging remarks about Christianity (see below).

By contrast, the trial of 16 Muslims in Novosibirsk for alleged membership of the banned Muslim missionary movement Tabligh Jamaat was ended on 5 November as it had not been completed within the required two years (see below).

Convicted for meeting to pray and read Bible

On 30 November, Judge Aleksei Vasyutchenko of Taganrog City Court found all 16 Jehovah's Witnesses guilty of involvement in "extremism" for continuing to meet after their community had been dissolved as an "extremist organisation".

Four defendants were convicted 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 150, Part 4 ("Involving a minor in a criminal group .. or crimes motivated by political, ideological, racial, ethnic or religious hatred or enmity or hatred or enmity against a social group"). They received suspended jail sentences of up to five and a half years, while each was also fined 100,000 Roubles (12,500 Norwegian Kroner, 1,350 Euros or 1,470 US Dollars). The other 12 were fined 20,000 to 70,000 Roubles each under 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").

All fines were waived because more than two years have passed since the commission of the alleged offence and the statute of limitations has therefore expired.

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According to the Taganrog City Court website, the Judge's decision has not yet come into force. No written verdict has yet been made available, Jehovah's Witnesses noted on 2 December.

They added that the defence will appeal against the verdict: "The Judge wrongly applied the provisions of the Criminal Code on crimes of an extremist nature to the worship of Jehovah's Witnesses – namely, their prayers, hymn singing, and reading and discussing the Bible". Before the verdict was issued, defence lawyer Viktor Zhenkov explained to Forum 18 on 26 November that any sentences would be appealed at Rostov Regional Court within 10 days from the date of the written decision.

"I am confident that impartial officials will be able to assess what happened correctly," Vasily Kalin of the Jehovah's Witness Administrative Centre in St Petersburg commented on 2 December. "This is real religious persecution. We hope that this injustice will be rectified."

Nikolai Trotsyuk, Aleksei Koptev, Yury Baklushin, and Aleksandr Skvortsov, who all received suspended prison terms, would be on probation for five years should the court decision come into force. This may mean that they will be unable to leave the city of Taganrog or change their places of residence without informing the state authorities responsible for monitoring those with suspended sentences.

"A dangerous precedent for religious freedom in Russia"

Jehovah's Witnesses described the verdict as setting "a dangerous precedent for religious freedom in Russia". In addition to the Taganrog community, two other Jehovah's Witness congregations - in Samara and Abinsk (Krasnodar Region) - have been liquidated on grounds of alleged "extremism". A fourth - in Cherkessk in the North Caucasus - is facing the same fate once outstanding property issues have been resolved.

One Muslim community, in Borovsky village in the Tyumen Region, has also been dissolved for the same reasons. All these dissolutions were based on charges of breaking the Administrative Code's Article 20.29 ("Production or mass distribution of extremist materials") (see F18News 28 August 2015 http://www.forum18.org/archive.php?article_id=2095).

Forum 18 called the Rostov Regional Prosecutor's Office on 3 December to ask why jail sentences had been sought and whether the prosecution intended to appeal against the suspension of prison terms. However, a spokeswoman immediately put the phone down as soon as Forum 18 mentioned the Taganrog case. The Regional Prosecutor's Office consistently refused to discuss the case with Forum 18 by telephone and ignored written requests for information by.

The sentences imposed are:

Yury Baklushin (282.2, Part 1 "Organisation of an extremist organisation"; 150, Part 4 "Involving a minor in a criminal group .. or crimes motivated by political, ideological, racial, ethnic or religious hatred or enmity or hatred or enmity against a social group") – 5 years and 6 months' suspended sentence (5 years' probation); 100,000 Rouble fine, waived.

Aleksandr Skvortsov (282.2, Part 1 "Organisation of an extremist organisation"; 150, Part 4 "Involving a minor in a criminal group .. or crimes motivated by political, ideological, racial, ethnic or religious hatred or enmity or hatred or enmity against a social group") – 5 years and 6 months' suspended sentence (5 years' probation); 100,000 Rouble fine, waived.

Aleksei Koptev (282.2, Part 1 "Organisation of an extremist organisation"; 150, Part 4 "Involving a minor in a criminal group .. or crimes motivated by political, ideological, racial, ethnic or religious hatred or enmity or hatred or enmity against a social group") – 5 years and 3 months' suspended sentence (5 years' probation); 100,000 Rouble fine, waived.

Nikolai Trotsyuk (282.2, Part 1 "Organisation of an extremist organisation"; 150, Part 4 "Involving a minor in a criminal group .. or crimes motivated by political, ideological, racial, ethnic or religious hatred or enmity or hatred or enmity against a social group") – 5 years and 6 months' suspended sentence (5 years' probation); 100,000 Rouble fine, waived.

Sergei Trotsyuk (282.2, Part 1 "Organisation of an extremist organisation") – 70,000 Rouble fine, waived.

Andrei Goncharov (282.2, Part 1 "Organisation of an extremist organisation") – 60,000 Rouble fine, waived.

Oksana Goncharova (282.2, Part 1 "Organisation of an extremist organisation") – 60,000 Rouble fine, waived.

Karen Minasyan (282.2, Part 1 "Organisation of an extremist organisation") – 70,000 Rouble fine, waived.

Tatyana Kravchenko (282.2, Part 1 "Organisation of an extremist organisation") – 70,000 Rouble fine, waived.

Kirill Kravchenko (282.2, Part 1 "Organisation of an extremist organisation") – 70,000 Rouble fine, waived.

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Vladislav Kruglikov (282.2, Part 1 "Organisation of an extremist organisation") – 20,000 Rouble fine, waived (reduced amount because he is/was a minor).

Roman Voloshchuk (282.2, Part 1 "Organisation of an extremist organisation") – 60,000 Rouble fine, waived.

Vladimir Moiseyenko (282.2, Part 1 "Organisation of an extremist organisation") – 70,000 Rouble fine, waived.

Vyacheslav Shchekalev (282.2, Part 1 "Organisation of an extremist organisation") – 60,000 Rouble fine, waived.

Kirill Chetverikov (282.2, Part 1 "Organisation of an extremist organisation") – 70,000 Rouble fine, waived.

Vladimir Kozhukov (282.2, Part 1 "Organisation of an extremist organisation") – 60,000 Rouble fine, waived.

None of the 16 yet appears on the Rosfinmonitoring list of terrorists and "extremists" as of 3 December 2015.

Longest Jehovah's Witness criminal trial

The Taganrog case has been the longest criminal trial of Jehovah's Witnesses in Russia. The first round of court proceedings reached the two-year deadline for prosecutions in August 2013, but continued at the request of the defendants, who wished to prove their innocence in court.

The drawn-out proceedings and numerous court appearances have taken their toll on the defendants. Some lost their jobs and none was allowed to leave Taganrog during the trial without official permission, Jehovah's Witnesses noted on 15 September. "We cannot work, we cannot spend enough time with our families and relax normally," they quoted Kirill Kravchenko as complaining. Tatyana Kravchenko added: "It affects my health. Either I can't fall asleep or I wake up in the middle of the night. All the time I think about the trial, scroll through in my mind everything that has happened there." Elder Nikolai Trotsyuk has been repeatedly admitted to hospital for stress.

The 2009 liquidation of the Taganrog Jehovah's Witness congregation as allegedly "extremist" was used to justify banning all Jehovah's Witness activity in the city, a ban subsequently upheld by the Supreme Court (see F18News 8 December 2009 http://www.forum18.org/archive.php?article_id=1385).

When the community's former members continued to meet for prayer and Bible study, they were accused of "continuing the activity of an extremist organisation", despite the fact that, under the 1997 Religion Law, individuals may legally meet as an unregistered religious group.

Initial July 2014 convictions

Four of the 16 Jehovah's Witnesses were initially convicted in July 2014 under both Criminal Code Article 282.2, Part 1 ("Organisation of an extremist organisation") and Article 150, Part 4 ("Involving a minor in a criminal group .. or crimes motivated by political, ideological, racial, ethnic or religious hatred or enmity or hatred or enmity against a social group"). Taganrog City Court issued suspended jail sentences of five to five and a half years, as well as fines of 100,000 Roubles each (see F18News 19 August 2014 http://www.forum18.org/archive.php?article_id=1986).

Another three defendants were convicted under Criminal Code Article 282.2, Part 2 of the lesser offence of "participation in an extremist organisation". They received fines of 50,000 to 60,000 Roubles. All seven fines were waived as the statute of limitations had expired.

The remaining nine people on trial were acquitted. At the appeal hearings at Rostov Regional Court on 11 and 12 December 2014, both convictions and acquittals were overturned and the case sent back for re-examination (see F18News 30 January 2015 http://www.forum18.org/archive.php?article_id=2033).

Punishing religious study in Krasnoyarsk

The trial of three men at Krasnoyarsk's Soviet District Court, charged with "extremism" offences for reading the works of late Turkish Muslim theologian Said Nursi, is expected to conclude soon, a fellow Muslim told Forum 18 on 25 November. He added that prosecutors are seeking jail sentences for at least two of the defendants.

Andrei Dedkov has been charged under Criminal Code Article 282.2, Part 1 ("Organisation of an extremist organisation"). Two other Krasnoyarsk residents – Aleksei Kuzmenko and Azerbaijani-born Ismat Agdzhayev are being tried under lesser charges under Criminal Code Article 282.2, Part 2 ("Participation in an extremist organisation"). An earlier case against Dedkov and three other men was dropped in early 2012 (see F18News 5 March 2012 http://www.forum18.org/archive.php?article_id=1675).

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Many of Nursi's works are prohibited in Russia as "extremist", despite their not inciting violence or hatred. Meeting to read them frequently results in criminal prosecution for membership of Nurdzhular, a banned "extremist organisation" which Muslims in Russia deny has ever existed (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

Dedkov, Kuzmenko, and Agdzhayev are due to appear at their next hearing on 7 December, according to the Soviet District Court website. Proceedings began on 24 July, before being adjourned for several weeks while Judge Yevgeny Repin went on holiday, and resuming on 8 September. The prosecution has finished presenting its evidence, the men's fellow Muslim told Forum 18, and it is now the turn of the defence to present its arguments. The defendants are not being kept in detention.

Forum 18 asked Soviet District Court on 3 December what had happened in recent hearings and when a verdict was likely to be reached. However, spokesperson Maksim Shpilev would only give the name of the presiding judge, saying "This is all the information I have at my disposal".

FSB detention, long investigation

The Siberian Federal District Investigative Committee's investigation of 36-year-old Dedkov, 33-year-old Kuzmenko and 19-year-old Agdzhayev has been underway since January 2014 (see F18News 12 March 2014 http://www.forum18.org/archive.php?article_id=1936), when the FSB security service detained them and several other Muslims at various locations in Krasnoyarsk. Law enforcement officers seized copies of Nursi's collection of sermons "Risale-i Nur" (Messages of Light) during searches of their homes (see F18News 11 February 2014 http://www.forum18.org/archive.php?article_id=1927).

Texts from this collection have been subject to 34 "extremism" rulings in courts across Russia since 2007.

Dedkov, Kuzmenko and Agdzhayev all appear on the Rosfinmonitoring list of "terrorists and extremists" as of 3 December. The names of Dedkov's three fellow defendants from his previous case do not.

Earlier this year, the trials of two Krasnoyarsk residents accused of running a women's cell of "Nurdzhular" came to an end at the same Soviet District Court. Tatyana Guzenko was fined 100,000 Roubles in July, while proceedings against Yelena Gerasimova were dropped in August as the two-year statute of limitations had expired (see F18News 24 August 2015 http://www.forum18.org/archive.php?article_id=2093).

Dedkov, Kuzmenko, and Agdzhayev were first detained on suspicion of "extremism" on 24 January 2014, Forum 18 notes, so the end of the two-year period allowed for investigation and trial is approaching.

Despite her conviction, Guzenko's name has not yet been added to the Rosfinmonitoring list of terrorists and "extremists" as of 3 December 2015.

Prosecution for disparaging remarks on social media

An atheist blogger has been taken to court in Stavropol under Criminal Code Article 148, Part 1, after posting disparaging comments about Christianity in the "Overheard in Stavropol" group on Russian social network VKontakte (VK).

Article 148, Part 1, punishes "public actions, expressing obvious disrespect for society and committed with the intention of insulting the religious feelings of believers", and carries a financial penalty of up to 300,000 Roubles (or up to two years' salary), or a sentence of 240 hours' unpaid community service (obyazatelnaya rabota), one year's assigned work (prinuditelnaya rabota) (during which 5-20 per cent of wages are deducted by local correctional authorities), or one year's imprisonment.

When it was introduced in 2013, critics (including from some parts of the Russian Orthodox Church (Moscow Patriarchate)) noted that Criminal Code Article 148 was so poorly defined that it (and the similarly aimed new Code of Administrative Offences Article 5.26) could be used to prosecute actions officials simply dislike (see F18News 14 August 2013 http://www.forum18.org/archive.php?article_id=1864).

Viktor Krasnov (known on social media as Viktor Kolosov) is accused of "offending the feelings of believers" in two conversations on social media in the autumn of 2014.

In the first, Krasnov responded to a comment based on St Paul's first letter to the Corinthians, claiming that "Christ is the head of every man, and the husband is the head of his wife, and God is the head of Christ". Krasnov pronounced this sentiment "rubbish", then engaged in a conversation with the user who had posted it, in which he called the Bible a "collection of Jewish fairy tales" and claimed "There is no God". The conversation thread has now been deleted, but has been reproduced online by local media.

In the second conversation, which took place in the same group a few weeks later and is still accessible, Krasnov made general disparaging remarks about Christianity and described attending church at Easter and Christmas as "herd mentality".

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In April 2015, "Anti-extremism" Police searched Krasnov's home and seized his computer. At a hearing at Industrial (Promyshlenny) District Court on 18 November, Krasnov's case was transferred at the prosecutor's request to a magistrate's court. No date has yet been set for proceedings to begin. Krasnov says on his VKontakte profile page that he is now searching for a lawyer, as his state-appointed defence is no longer able to represent him.

Tabligh Jamaat case dropped in Novosibirsk

The criminal trial of 16 Muslims for membership of the banned "extremist" organisation Tabligh Jamaat was halted on 5 November at Novosibirsk's Dzerzhinsky District Court when the two-year statute of limitations expired. One man, however, was convicted of immigration offences.

Prosecutors will probably not attempt to reopen the "extremism" case, lawyer Yuliya Zhemchugova told Forum 18 on 6 November. Her client, Tajik citizen Kamolitdin Rakhmanov, was sentenced to one year's imprisonment for crossing the Russian border with a false passport after being expelled from the country in 2012 for Tabligh Jamaat involvement and banned from re-entering for five years. Zhemchugova is concerned for his health and is appealing against the conviction.

The 16 immigrants from Central Asia were charged under Criminal Code Article 282.2, Part 2 ("Participation in an extremist organisation") (see F18News 27 May 2015 http://www.forum18.org/archive.php?article_id=2066).

It is unclear exactly what they were doing and how they attracted the attention of law enforcement agencies. The FSB security service accused them of running a Tabligh Jamaat "cell" since 2005, recruiting new members and holding regular seminars using banned religious literature. The men claimed that they had met only to read the Koran and pray.

The "extremism" charges were "based only on the fact that an expert analysis of conversations between the men .. indicates that they belong to the organisation Tabligh Jamaat", Zhemchugova told Forum 18. But, she added, "according to the findings of the same examination there were no signs of extremism in these communications".

Over multiple hearings beginning in July, all 16 defendants denied membership of Tabligh Jamaat and involvement in "extremism". None except Rakhmanov was held in detention during the trial.

Outlawed as "extremist"

A Supreme Court ruling of 7 May 2009 outlawed Tabligh Jamaat in Russia as "extremist". Unlike the similar ban on the alleged "Nurdzhular" organisation, the Tabligh Jamaat ban is justified with claims that its associates in Russia have been linked to violent acts, "have called [in sermons] for the violent seizure of power and [made] statements aimed at inciting national, racial, and religious hatred" (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

Worldwide, Tabligh Jamaat aims to revive and strengthen the faith of Muslims and has no formal membership. Its associates spend significant periods of time travelling and preaching in mosques to spread their message. Women are encouraged to share their Islamic beliefs with other women, but are expected to practice seclusion and segregation in everyday life.

Tabligh Jamaat's loose internal structure means that people associated with it have different views in different parts of the world. In some countries – such as Kazakhstan - its followers peacefully exercise their freedom of religion or belief. In Kazakhstan – where the movement is also banned - this has led to more than 20 facing criminal trial since December 2014 (see F18News 24 November 2015 http://www.forum18.org/archive.php?article_id=2124). Yet in other countries its associates have been linked to violent acts. (END)

For more background, see Forum 18's surveys of the general state of freedom of religion or belief 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

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found at http://www.forum18.org/Archive.php?article_id=1351.

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