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RUSSIA: 100+ Jehovah's Witness criminal cases

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

At least 26 Jehovah's Witnesses are in pre-trial detention, 28 under house arrest, and 42 under travel restrictions as more than 100 face "extremism"-related criminal charges. If convicted they could face up to 10 years' imprisonment. Memorial human rights group condemned Dennis Christensen's "shameful and anti-legal" six-year jail term.

More than 100 Jehovah's Witnesses are now the subjects of criminal "extremism" cases in over a third of Russia's regions. If brought to court and convicted, they could face up to 10 years' imprisonment.

The charges against them derive directly from the Supreme Court's 2017 ban on Jehovah's Witness activity throughout the country, and its decision to declare the Jehovah's Witness Administrative Centre and all 395 local communities "extremist organisations". (http://www.forum18.org/archive.php?article_id=2297)

Of the more than 100 Jehovah's Witnesses known to be facing criminal cases, as of 18 February, 26 are in pre-trial detention, 28 are under house arrest, and 42 are under travel restrictions. (http://www.forum18.org/archive.php?article_id=2454)

The latest raids, early on 15 February, took place in several towns and villages across the Khanty-Mansi Autonomous Region in western Siberia and resulted in at least 15 people being taken away for interrogation.

As well as raids, detentions and criminal prosecutions, Jehovah's Witnesses also face the loss of property and other problems (http://www.forum18.org/archive.php?article_id=2344). Young Jehovah's Witness men have been denied their right to perform alternative civilian service rather than military service, and Jehovah's Witness employees have been fired or forced to resign from their jobs. (http://www.forum18.org/archive.php?article_id=2297) The children of Jehovah's Witnesses have also faced threats and bullying by the authorities. (http://www.forum18.org/archive.php?article_id=2282)

Such raids "turn the lives of innocent people into a nightmare, undermine their health, cause deep emotional trauma, and cast a shadow on their reputation in the eyes of neighbours, employers, and other people", Jehovah's Witnesses commented. Detentions especially can be difficult for relatives to cope with, both practically and emotionally. "For the first week I couldn't sleep at all," said Olga Korobeynikova, whose husband Vladimir is in detention in Kirov. "When I wake up, there's just pain" (see below).

Two Jehovah's Witnesses are challenging their criminal convictions for "extremism" offences allegedly committed before the 2017 nationwide ban.

Danish citizen Dennis Ole Christensen was jailed on 6 February for "continuing the activities" of the Oryol Jehovah's Witness congregation, which was banned in 2016 (http://www.forum18.org/archive.php?article_id=2450). This has brought renewed international condemnation of the Russian authorities' treatment of Jehovah's Witnesses and of the Extremism Law (see below)

Prisoner of conscience Christensen's lawyers are planning to lodge his appeal at Oryol Regional Court within the next few days.

The appeal hearing of Jehovah's Witnesses Arkadya Akopovich Akopyan, who was in December 2018 found guilty of "inciting hatred and enmity" and sentenced to community service, will be on 1 March 2019 at the Supreme Court of Kabardino-Balkariya (see below).

Two other Jehovah's Witnesses are currently on trial:

– Sergei Vladimirovich Skrynnikov is charged with "continuing the activities" of the Oryol community (see below):

- and Yury Viktorovich Zalipayev from Kabardino-Balkariya is accused of issuing "Public calls for extremist activity" (see below).

"Shameful and anti-legal decision"

Russian human rights group Memorial on 8 February called the judge's verdict in a "shameful and anti-legal decision" which has "brought Russia into line with countries with the most odious regimes".

Prisoner of conscience Christensen's six-year prison term is also comparable to the sentences Jehovah's Witnesses received in Soviet times, Memorial notes. "It is an absurd situation, when Jehovah's Witnesses who were convicted by the Soviet regime .. are recognised as victims of political repressions in accordance with Russia's Law on Rehabilitation of Victims of Political Repressions, and at the same time, present-day Jehovah's Witnesses are sent to prison."

Memorial added: "This verdict shows once again the flawed nature of Russian 'anti-extremist' legislation, which allows almost anybody to be counted as an extremist. We demand that the unconstitutional ban on the Jehovah's Witnesses be lifted."

International organisations have also expressed their concern at prisoner of conscience Christensen's conviction and jailing, including the United Nations (UN) High Commissioner for Human Rights.

"The harsh sentence imposed on Christensen creates a dangerous precedent, and effectively criminalises the right to freedom of religion or belief for Jehovah's Witnesses in Russia – in contravention of the State's obligations under the International Covenant on Civil and Political Rights," UN High Commissioner for Human Rights Michelle Bachelet said in a 7 February statement. She noted similar concerns various UN human rights bodies have raised in recent years.

(http://www.forum18.org/archive.php?article_id=2274)

"We urge the Government of Russia to revise the Federal Law on Combating Extremist Activity with a view to clarifying the vague and open-ended definition of 'extremist activity', and ensuring that the definition requires an element of violence or hatred," Bachelet added. "We also call on the authorities to drop charges against and to release all those detained for exercising their rights to freedom of religion or belief, the freedom of opinion and expression, and the right to freedom of peaceful assembly and association."

Muslim prisoners of conscience also

Muslim readers of works by the late Turkish theologian Said Nursi are also prosecuted under "anti-extremism" legislation and have frequently been imprisoned or fined for involvement in the alleged banned "extremist" organisation "Nurdzhular", which Muslims in Russia deny exists. 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)

Between June 2017 and July 2018, six Muslim men were jailed for periods of between two and eight years for meeting together to study Nursi's works. All were convicted 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"). Three have begun serving their jail sentences (one of them of eight years), one received a suspended sentence, and two received fines.

(http://www.forum18.org/archive.php?article_id=2426)

The prisoners of conscience jailed in labour camps ("correctional colonies") are:

1) Yevgeny Lvovich Kim, jailed by a Blagoveshchensk court for three years and nine months in June 2017

(http://www.forum18.org/archive.php?article_id=2290);

2, 3, 4) Ziyavdin Badirsoltanovich Dapayev, jailed for four years, and brothers Sukhrab Abdulgamidovich Kaltuyev and Artur Abdulgamidovich Kaltuyev, jailed for three years each, by a Makhachkala court in November 2017

(http://www.forum18.org/archive.php?article_id=2339);

5) Ilgar Vagif-ogly Aliyev, jailed by Izberbash court for eight years in June 2018

(http://www.forum18.org/archive.php?article_id=2386);

6) Imam Komil Olimovich Odilov, jailed by a Novosibirsk court for two years in June 2018.

(http://www.forum18.org/archive.php?article_id=2391)

All six prisoners of conscience are also on the Rosfinmonitoring "List of Terrorists and Extremists", whose assets banks are obliged to freeze (although small transactions are permitted). (http://www.forum18.org/archive.php?article_id=2215) Aliyev's name was added on 30 August 2018, a month after his unsuccessful appeal against his conviction.

Two further Muslims accused of alleged involvement in "Nurdzhular" also face trials.

Yevgeny Igoryevich Sukharev (born 9 April 1990) is still on trial at Sharypovo City Court (Krasnoyarsk Region), charged 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").

Sukharev has been on trial and under travel restrictions since April 2018 (http://www.forum18.org/archive.php?article_id=2373), and has undergone 21 hearings so far. He is next due to appear before Judge Inna Gavritskaya in the morning of 27 February 2019.

Denis Vladimirovich Zhukov (born 22 February 1988) remains under house arrest in Krasnoyarsk as the Investigative Committee's investigation continues. He was also charged in August 2018 under Criminal Code Article 282.2, Part 2 (http://www.forum18.org/archive.php?article_id=2426). It is unknown when his case might come to trial.

Sentenced to community service

On 27 December 2018, Judge Oleg Golovashko of Prokhladny City Court sentenced Jehovah's Witness Arkadya Akopovich Akopyan (born 28 May 1948) to 120 hours of community service (*obyazatel'naya rabota*). Prosecutors had sought a three-year suspended sentence with two years' probation.

Community service sentences involve performing "Unpaid, publicly useful work" in the convicted person's free time, for up to four hours per day (up to two hours on a working day), according to the Criminal Procedural Code. The nature of the work is determined by local authorities and the probation service and can include gardening, rubbish collection, street cleaning, and repairs to buildings and infrastructure – this is decided in relation to the convicted person's age, health, and physical capabilities.

If the convicted person evades community service, the sentence can be upgraded to assigned work or imprisonment on the basis of one day per eight hours of community service.

Akopyan was charged in June 2016 under 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"), and the case took until June 2017 to come to court. (http://www.forum18.org/archive.php?article_id=2355)

The case against Akopyan is based on the testimony of five witnesses who are not members of the Jehovah's Witnesses, but who claim to have attended meetings at which they heard the allegedly "extremist" sermons and were given banned texts to distribute. This is despite the fact that their mobile phone records show that they were nowhere near the Jehovah's Witnesses' building at the times in question, defence lawyers have claimed. (http://www.forum18.org/archive.php?article_id=2373)

The former Jehovah's Witness elder then underwent 27 hearings between June 2017 and December 2018.

Akopyan and his lawyers immediately lodged an appeal, which is due to be heard on 1 March 2019 at the Supreme Court of Kabardino-Balkariya, Jehovah's Witnesses told Forum 18 on 13 February. He remains under travel restrictions while his appeal is pending.

The prosecution has also submitted an appeal, asking that Akopyan's sentence be overturned and the case closed in connection with the partial decriminalisation of Criminal Code Article 282. President Vladimir Putin signed this bill into law on 27 December 2018, the same day as Akopyan's sentencing – it came into force 10 days later.

Partial decriminalisation

The decriminalisation bill introduced a new Administrative Code Article 20.3.1, to cover the offence of "incitement to hatred or enmity". It also changed Criminal Code Article 282, Part 1, to punish only repeated offences taking place within one year.

Several people have since had their cases closed on the grounds of these amendments, principally bloggers or other internet users who posted "offensive" memes on social media. Among those convicted or facing criminal charges for exercising freedom of religion or belief, it seems likely at present to affect only Akopyan and Yury Zalipayev (see below).

This is only the second time a Jehovah's Witness has been convicted under this Article, Forum 18 notes. Aleksandr Kalistratov, an elder in the Altai Republic, was initially convicted under Article 282, Part 1, in 2011 but was acquitted on appeal. (http://www.forum18.org/archive.php?article_id=1653) Prosecutors have brought the same charge against others, but these have either been acquitted in the first instance or had their cases closed.

Forum 18 wrote to the Kabardino-Balkariya Republican and Prokhladny District Prosecutor's Offices on 15 February, asking whether the decriminalisation of Criminal Code Article 282 would lead to Akopyan's acquittal and whether they considered Akopyan dangerous. No reply has been received as of the end of the working day on 18 February.

Kabardino-Balkariya trial ongoing – but one charge dropped

The decriminalisation of 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"), also led to prosecutors dropping that charge against Yury Viktorovich Zalipayev, Jehovah's Witnesses told Forum 18 on 30 January. Judge Yelena Kudryavtseva of Maysky District Court (Republic of Kabardino-Balkariya) confirmed this in a ruling on 23 January 2019, and noted Zalipayev's exoneration under this charge. The prosecution has also lodged an objection against this.

However, Zalipayev remains on trial under Criminal Code Article 280 ("Public calls for extremist activity") for allegedly "knowingly .. decided on 16 August 2016 to carry out public actions aimed at inciting hatred and enmity towards a social group, 'Christian clergy', wherefore he decided to distribute a printed publication from the Federal List of Extremist Materials". Jehovah's Witnesses themselves state that the materials were planted by FSB security service officers during a search. (http://www.forum18.org/archive.php?article_id=2310)

Zalipayev has made 16 appearances so far before Judge Kudryavtseva since his case came to court in July 2018. His next hearing is due on 13 March.

Second Oryol Jehovah's Witness on trial

Another Oryol Jehovah's Witness from prisoner of conscience Christensen's community, Sergei Vladimirovich Skrynnikov, is also on trial at the city's Railway District Court for allegedly "continuing the activities of a banned extremist organisation". The case against him is brought 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").

The case against Skrynnikov was opened shortly after Dennis Christensen's, and the evidence against him has come from the FSB's investigation of Christensen. (http://www.forum18.org/archive.php?article_id=2373)

Skrynnikov is currently under travel restrictions, and has so far undergone 29 full hearings before Judge Gleb Noskov since early August 2018. He is next due to appear on 20 February 2019.

Ongoing criminal cases

Armed raids continued to be launched on Jehovah's Witness homes across the country (http://www.forum18.org/archive.php?article_id=2412) throughout 2018 and into 2019. This has resulted in a total of 116 individuals now believed to be subject to criminal investigation. Many of them have spent long periods in pre-trial detention or under house arrest, and none has yet come to trial.

Typical raids

The authorities have from January 2018 onwards intensively raided Jehovah's Witness homes across Russia (http://www.forum18.org/archive.php?article_id=2412), continuing less frequent raids that took place before Jehovah's Witnesses were banned in 2017 (http://www.forum18.org/archive.php?article_id=2220). Despite the Jehovah's Witnesses being doctrinally pacifist, the raids often involve heavily armed riot police or National Guard troops carrying machine guns. The raids are usually led by the Investigative Committee, but officers of the FSB security service and the police Centre for Combating Extremism have also participated. (http://www.forum18.org/archive.php?article_id=2381)

The 2018 and 2019 raids have fallen into a pattern. Officials from a variety of agencies, including armed men in masks and body armour, arrive at Jehovah's Witnesses' addresses usually late at night or early in the morning. The occupants are sometimes made to lie on the floor or face the wall while the officers search their homes.

"We quickly got dressed, opened the door, and in a second the apartment was filled with men in black. I was just shocked," Svetlana Suvorkova, whose husband Yevgeny has been in pre-trial detention in Kirov since October 2018, commented to the *jw-russia* news website on 11 January.

"We were still asleep, but Maxim was in the kitchen having breakfast, as he left for work early," said Maksim Khalturin's mother Galina. "Then my husband and I woke up, [and] I went out into the corridor and saw a lot of people. Maksim was standing facing the wall. His legs and arms were wide apart." (Khalturin was detained for three and a half months and is now under house arrest in Kirov).

Officers then confiscate a similar range of possessions – electronic devices, bank cards, personal photographs, and books – and take

the Jehovah's Witnesses, including children and the elderly, to a police station, FSB office, or Investigative Committee branch for questioning.

Such questioning can last for several hours, after which most people are released (some under travel restrictions). Others are kept in temporary detention until investigators decide whether to apply to a court for longer-term restrictive measures – they must do this within 48 hours of the initial detention.

A judge then decides whether to grant an investigator's request to place an individual in detention or under house arrest. An initial period of detention/house arrest lasts for two months from the date the criminal case was opened (usually on or shortly before the date of the raid). Towards the end of this period, investigators must apply to the court again to seek an extension. Detainees themselves may appeal to a higher court to have these restrictive measures lifted or reduced – on occasion, such appeals have been successful.

Detentions especially can be difficult for relatives to cope with, both practically and emotionally. Maksim Khalturin's father has health problems and relies largely on his support, Jehovah's Witnesses stated on 11 January. "It is very hard for me without him. After all, I must take care of my husband alone. And I myself am 81 years old," said his mother Galina Khalturina.

"For the first week I couldn't sleep at all," said Olga Korobeynikova, whose husband Vladimir is also in detention in Kirov. "When I wake up, there's just pain."

Criminal cases

After being raided, Jehovah's Witnesses have largely been charged (or named as suspects) under Criminal Code Article 282.2, Part 1 or Part 2 ("Organisation of" or "Participation in the activities of a banned extremist organisation"). For exercising their right to freedom of religion and belief by meeting for worship, they stand accused of "continuing the activities" of the Jehovah's Witness Administrative Centre and its subsidiary local organisations, all of which the Russian Supreme Court ruled extremist and ordered liquidated in April 2017.

Investigators have also charged a few individuals under Criminal Code Article 282.3, Part 1 ("Financing of extremist activity"), or Criminal Code Article 282.2, Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation").

These prosecutions are happening despite the Supreme Court judges' insistence when they issued the ruling that it "does not amount to prohibition of the religion of Jehovah's Witnesses as such", and despite the fact that the Russian government has twice claimed that the ban "does not contain a restriction or prohibition on individual profession of [Jehovah's Witness] teachings". (http://www.forum18.org/archive.php?article_id=2372)

"Utter nonsense"

In December 2018, President Vladimir Putin remarked that the inclusion of the Jehovah's Witnesses among "extremist" organisations was "utter nonsense" and that "Jehovah's Witnesses are also Christians. I do not really understand what they are being persecuted for".

Raids, arrests, and interrogations continue

Yet between January 2018 and February 2019, raids, arrests, and interrogations have taken place in the following 31 of Russia's 83 federal subjects (not counting Russian-annexed Crimea and Sevastopol): Amur, Republic of Bashkortostan, Belgorod, Ivanovo, Jewish Autonomous Region, Kamchatka, Kemerovo, Khabarovsk, Khanty-Mansi Autonomous Region, Kirov, Kostroma, Krasnoyarsk, Magadan, Republic of Mordoviya, Murmansk, Novosibirsk, Omsk, Orenburg, Oryol, Penza, Perm, Primorye, Pskov, Republic of Sakha-Yakutiya, Sakhalin, Saratov, Smolensk, Stavropol, Sverdlovsk, Republic of Tatarstan, and Tomsk.

Twenty-six women, 87 men and 3 people of unknown gender are thought to have consequently been charged or named as suspects 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"), or Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation"), as well as Criminal Code Article 282.3, Part 1 ("Financing of extremist activity").

Twenty-six people are known to be in pre-trial detention (two women, 21 men, 3 of unknown gender). Twenty-eight are under house arrest (three women, 25 men) and 42 under travel restrictions (19 women, 23 men). Officials have placed four men under specific sets of restrictions (such as not being allowed to go out at night or to use the telephone). One man is under an obligation to appear before investigators promptly when summoned. Fifteen individuals (two women, 13 men) appear to be under no restrictions.

Officials have had 37 of these individuals added to the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose assets banks are obliged to freeze, apart from small transactions

(http://www.forum18.org/archive.php?article_id=2215) (Christensen and Skrynnikov also appear) .

Six people are on the Interior Ministry's federal wanted list as their whereabouts are unknown. Two of them – Fail Samigulloevich Shangareyev (born 16 December 1960) and Olga Timofeyevna Sandu (born 31 March 1984) - are known to have left Russia.

Trials soon to begin?

Proceedings against Sergei Alekseyevich Britvin (born 18 August 1965) and Vadim Anatolyevich Levchuk (born 6 February 1972) in Berezovsky (Kemerovo Region), (http://www.forum18.org/archive.php?article_id=2412) and Dmitry Viktorovich Barmakin (born 30 May 1974) in Vladivostok (http://www.forum18.org/archive.php?article_id=2413) may begin soon, Jehovah's Witnesses think.

Investigators in the two cases informed the men and their lawyers (on 14 January and 29 January 2019 respectively) that their investigations were now complete. The defence teams now have the chance to acquaint themselves with the case materials. It is unknown exactly when the trials will begin. (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).

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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