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RUSSIA: Jehovah's Witness appeal fails, appeal to Strasbourg

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

An appeal court in Oryol upheld the six-year jail term on Jehovah's Witness Dennis Christensen on "extremism"-related charges. In his final address to the court he described the accusations as "ridiculous and absurd". His wife Irina told Forum 18 he will appeal directly to the European Court of Human Rights.

Danish citizen Dennis Christensen has become the first Jehovah's Witness in post-Soviet Russia to be jailed for exercising the right to freedom of religion and belief. On 23 May an appeal court in the city of Oryol upheld his six-year jail sentence, originally handed down in February. The panel of three judges made only minor alterations to the original verdict. It immediately entered into legal force.

Prisoner of conscience Christensen's lawyers maintained that his actions (in opening and closing the Kingdom Hall, seeing to its upkeep, collecting donations, and leading prayers) did not constitute a threat to public values. Christensen himself told the court that the FSB security service "forged documents and expert examinations, and used false and hidden witnesses against me, who lied in court. .. I will not give up, because I am sure that I am not guilty of these accusations and that the truth is on my side. I am not afraid to be sent on to a labour camp, although this would be a completely unfair decision" (see below).

Arrested in May 2017, Christensen was convicted on 6 February 2019 for his alleged role - denied by Christensen and Jehovah's Witnesses - in leading the local Jehovah's Witness branch in Oryol. The judge jailed him for six years in a labour camp (http://www.forum18.org/archive.php?article_id=2450). He has spent the two years of the investigation, trial, and appeal in detention. One day in detention before a verdict enters legal force is taken as equivalent to one and a half days' imprisonment. It is therefore likely that he will serve about three more years to complete his six-year sentence in 2022. He is now preparing for transfer to a labour camp ("correctional colony").

The 46-year-old Danish citizen and prisoner of conscience Christensen moved to Russia from Denmark in 1995 to work on the construction of the Jehovah's Witness Administrative Centre near St Petersburg. He later settled in Murmansk and in 2002 married Irina, a Russian citizen. In 2006, he moved to Oryol, where he worked as a builder and carpenter.

Irina Christensen told Forum 18 on 24 May that both she and Dennis had expected that the guilty verdict would be upheld. They will not take the case to the Russian Supreme Court, but will appeal directly to the European Court of Human Rights (ECtHR) in Strasbourg. "It is terrible, a 6-year jail sentence for believing in God," Irina commented to Forum 18 in February. "I couldn't believe that such a thing could happen in Russia" (http://www.forum18.org/archive.php?article_id=2450).

At present Dennis is "holding up well", Irina Christensen added, and is being supported by friends.

2017 nationwide Jehovah's Witness ban follows local 2016 Oryol ban

In 2017 Jehovah's Witnesses were banned nationwide as allegedly "extremist". This made any Jehovah's Witness exercising freedom of religion and belief liable to criminal prosecution. (http://www.forum18.org/archive.php?article_id=2297) 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)

The registered Jehovah's Witness organisation in Oryol was earlier ruled "extremist" and ordered liquidated in June 2016 (http://www.forum18.org/archive.php?article_id=2256). Christensen's prosecution is derived from this local ban, and not the nationwide prohibition on Jehovah's Witness activities, which came into force in July 2017, after the case against him was initiated. (http://www.forum18.org/archive.php?article_id=2297)

"It is enough for the authorities to prove that he believes in God in the wrong way"

Jehovah's Witness spokesperson Yaroslav Sivulsky condemned the Regional Court's decision to uphold Christensen's conviction, likening such convictions to being punished "on a par with thieves and murderers". "Today it has become clear that the statements of the Russian authorities before international bodies that the liquidation of Jehovah's Witness legal entities 'do not contain any restriction or prohibition on practicing these teachings' is nothing more than slyness," Sivulsky commented on 23 May 2019. "In order to convict a person for extremism and an attempt on the constitutional order, and then punish him on a par with thieves and murderers, it is enough for the authorities to prove that he believes in God in the wrong way and catch him reading the Bible." (see below).

Prosecutions increasing

In April 2019, a court in Oryol convicted another local Jehovah's Witness on "extremism"-related charges. Sergei Skrynnikov is appealing against the heavy fine handed down on him. He was initially investigated alongside Dennis Christensen, but investigators opened a separate case against him in March 2018. (http://www.forum18.org/archive.php?article_id=2480)

The number of other Jehovah's Witnesses facing similar "extremism"-related prosecutions is now approaching 200, as armed raids, arrests, and detentions continue across the country. Several Jehovah's Witnesses in Khanty-Mansi Autonomous Region have complained that they were tortured and beaten during their interrogations by Investigative Committee operatives. (http://www.forum18.org/archive.php?article_id=2480)

Several human rights bodies have demanded an end to such tactics, and Jehovah's Witnesses have also filed an appeal with the European Court of Human Rights.

Muslims who study the works of the late Muslim theologian Said Nursi face similar "extremism"-related prosecutions. In what appears to be a first, Yevgeny Kim, arrested in 2015 and convicted in 2017 for meeting with others to study Nursi's books, was deprived of his Russian citizenship, leaving him stateless, and on 10 April 2019 – the day he completed his prison term – was fined and ordered deported to his country of birth. (http://www.forum18.org/archive.php?article_id=2478)

Christensen's February 2019 sentence

After a trial lasting nearly a year, Judge Aleksei Rudnev of Railway District Court, Oryol, initially found Christensen guilty on 6 February 2019 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 judge jailed him for six years in a labour camp (http://www.forum18.org/archive.php?article_id=2450).

Prosecutors accused Christensen of "continuing the activities" of Oryol's former registered Jehovah's Witness community, which was dissolved as "extremist" in 2016. (http://www.forum18.org/archive.php?article_id=2228)

Christensen and his lawyers argued, however, that he had held no leadership position, that Jehovah's Witnesses in Oryol retained the right to practise their faith, and that Jehovah's Witnesses had never engaged in "extremist activity", either before or after the ban.

Russian human rights group Memorial (which recognised Christensen as a political prisoner in July 2017) condemned the conviction. "This shameful and anti-legal decision has added Russia to the ranks of countries with the most odious regimes," it noted on 8 February.

"It is an absurd situation when Jehovah's Witnesses convicted under the Soviet regime are recognised as victims of political repression in accordance with the Federal Rehabilitation Act (1991) - and at the same time the current followers of the Jehovah's Witness faith are being sent to prison," Memorial added.

"This verdict again confirms the flawed nature of the Russia's 'anti-extremism' legislation, which allows for the inclusion of almost everyone under the extremist label. We demand the abolition of the unconstitutional ban on Jehovah's Witnesses."

Unsuccessful appeal

A panel of three judges – Olga Zuyenko, Aleksandr Bukhtiyarov, and Andrei Rogachyov – heard Christensen's appeal at Oryol Regional Court over four days between 7 and 23 May 2019.

Christensen's defence lawyers argued that neither the liquidation of Oryol's Jehovah's Witness community in 2016 nor that of the Jehovah's Witness Administrative Centre in 2017 constituted a prohibition on Jehovah's Witness worship. They pointed out that the Supreme Court, in its appeal verdict of 17 July 2017 (http://www.forum18.org/archive.php?article_id=2297), had not assessed the

legality of the means of expression of Jehovah's Witness beliefs.

The defence lawyers reminded the judges that investigators had found no banned "extremist" literature (the presence of which had been used to justify both local-level and national-level liquidations) either in the Kingdom Hall or Christensen's home. They maintained that Christensen's actions (in opening and closing the Kingdom Hall, seeing to its upkeep, collecting donations, and leading prayers) did not constitute a threat to public values.

In his speech at the final appeal hearing on 23 May, Christensen recalled: "About two years ago, I said to the court at one of the many hearings on the extension of my time in detention: 'I ask you to give me back my life!' And I am still asking for this! Yes, I want you to give me back my life, so that I can again live peacefully and quietly in this beautiful city with my wife Irina. For almost two years I have not had my own life. I lived the kind of life that others have chosen for me."

"The FSB has blackened and smeared my good name," Christensen continued. "They forged documents and expert examinations, and used false and hidden witnesses against me, who lied in court. They did all this to make an extremist out of a peaceful believer, which is dangerous for the people around them and for Russian national security. In fact, these are ridiculous and absurd accusations."

Christensen concluded: "I will not give up, because I am sure that I am not guilty of these accusations and that the truth is on my side. I am not afraid to be sent on to a labour camp, although this would be a completely unfair decision."

Only minor changes to verdict

Despite the arguments of Christensen's defence lawyers, the appeal panel on 23 May decided to uphold the guilty verdict and jail sentence.

"The Judicial Collegium for Criminal Cases of Oryol Regional Court, after hearing the participants in the court proceedings, examining the case materials, and discussing the arguments set forth in the appeal, considered untenable the argument of the defence that no offence had been committed, and [concluded] that the actions of Dennis Ole Christensen constituted a crime," the court's press department said in a statement on its website on 23 May.

According to this statement, the judges introduced some minor alterations to the original verdict, clarifying Christensen's employment status (he is an individual entrepreneur) and residency in Russia (his current permission to live in the country expires on 22 March 2022).

The judges also added to the "description of the offence" a note that Christensen, "with the aims of continuing and developing an extremist religious association", had "agreed and coordinated his actions as leader of the Oryol Jehovah's Witness local religious organisation" with the Jehovah's Witness Administrative Centre, "which was liquidated by a Supreme Court ruling of 20 April 2017, due to its implementation of extremist activity since 2010".

Forum 18 wrote to the Oryol Region Prosecutor's Office on 6 February to ask why it had sought a jail sentence and in what way Christensen could be considered dangerous.

"A legal evaluation of Christensen's actions was given by the court," Tatyana Tsukanova, head of the press office, replied on 28 February. She noted that the Russian judiciary is independent and governed only by the Constitution and federal law, and that the imposition of punishments lies entirely within the competence of the courts.

Punished "on a par with thieves and murderers"

Jehovah's Witness spokesperson Yaroslav Sivulsky condemned the Regional Court's decision to uphold Christensen's conviction.

"Today it has become clear that the statements of the Russian authorities before international bodies that the liquidation of Jehovah's Witness legal entities 'do not contain any restriction or prohibition on practicing these teachings' is nothing more than slyness," Sivulsky commented on 23 May.

"As we have seen, in order to convict a person for extremism and an attempt on the constitutional order, and then punish him on a par with thieves and murderers, it is enough for the authorities to prove that he believes in God in the wrong way and catch him reading the Bible. Such court decisions have been known since biblical times. In Russia, we experienced all this in the Soviet years. But, as history shows, none of the goals for which such a repressive mechanism has been launched will be achieved."

Arrested in 2017 raid on Kingdom Hall

Oryol's registered Jehovah's Witness community was ordered liquidated as an "extremist organisation" in June 2016 – the decision came into force in October 2016 after an unsuccessful appeal to the Supreme Court.

Dennis Ole Christensen (born 18 December 1972) has been in detention since 25 May 2017, when police and FSB officers arrested him at a worship meeting and soon afterwards charged him 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"). (http://www.forum18.org/archive.php?article_id=2282)

Video footage posted online by a local news outlet showed armed state officials, some in balaclavas and body armour, raiding a Kingdom Hall in Oryol and searching the premises. (http://www.forum18.org/archive.php?article_id=2290) FSB searches of Christensen's home and five other local Jehovah's Witness households followed his detention.

From May 2017 onwards, Oryol courts denied repeated requests from Christensen's lawyers to have him transferred home under house arrest.

Christensen was held since his arrest at Oryol's Investigation Prison No. 1.

On 27 March 2018, officials added Christensen to the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose accounts banks are obliged to freeze, apart from small transactions. Christensen's wife Irina told Forum 18 on 6 February 2019 that although his accounts had been blocked, hers had not. (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)

A printer-friendly map of Russia
(<http://www.nationalgeographic.org/education/classroom-resources/mapping/outline-map/?map=Russia>)

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