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CRIMEA: Longest jail term so far

By Felix Corley, Forum 18

Of the four jail terms handed down in Crimea to punish the exercise of freedom of religion or belief, 54-year-old Jehovah's Witness Viktor Stashevsky received the longest so far. A Sevastopol court jailed him on 29 March for six and a half years, with a further seven years under restrictions, which are due to end in 2034. Seven more Crimean Jehovah's Witnesses are facing "extremism"-related prosecutions. Two were transferred in March from Investigation Prison to house arrest after nearly six months.

A Sevastopol court yesterday (29 March) handed down the longest jail term yet in Crimea on "extremism"-related charges to punish an individual for exercising freedom of religion or belief. Judge Pavel Kryllo jailed 54-year-old Jehovah's Witness Viktor Stashevsky for six and a half years in an ordinary regime labour camp, to be followed by seven years of restrictions (which would be due to end on 29 September 2034, when he would be 68). He denied the charges.

Police arrested Stashevsky at the end of the trial and transferred him to the Investigation Prison in Simferopol, an hour and a half by road from Sevastopol. He is preparing to appeal. Stashevsky – who is married with two children – also looks after his mother, who is in her eighties (see below).

Two other Crimean Jehovah's Witness prisoners of conscience – Sergei Filatov and Artyom Gerasimov - are each serving six-year jail terms, and have been transferred to a labour camp in Russia. A Crimean Muslim Renat Suleimanov – who completed his jail term in a Russian labour camp in December 2020 to punish discussing his faith with friends in a mosque – returned to Crimea, where he must live under restrictions for one year (see below).

Seven more Crimean Jehovah's Witnesses are facing "extremism"-related prosecutions in three different cities: Yevgeny Zhukov, Vladimir Maladyka, Vladimir Sakada, Igor Schmidt, Aleksandr Kostenko in Sevastopol; Taras Kuzio in Yalta; and Artyom Shably in Kerch (see below).

Investigator Vladimir Zarubin told Forum 18 on 30 March that he expects to send Shably's case to Kerch City Court "in about one month" for eventual trial (see below).

Two of the five Jehovah's Witnesses in Sevastopol under criminal investigation were transferred in March from Investigation Prison to house arrest, with a third due to follow on 2 April. One remains in Investigation Prison, while the fifth does not appear to be under restrictions (see below).

The Office of the United Nations High Commissioner for Human Rights (OHCHR), based on information from the UN Human Rights Monitoring Mission in Ukraine, again condemned "the unlawful application of Russian Federation legislation by the occupation authorities of the Russian Federation in the occupied territory" to restrict exercise of the right to freedom of religion or belief in its latest report on the human rights situation in Ukraine. It called for an end to the "deportation" of such prisoners to Russia and the return to Crimea of those serving jail terms in Russia (see below).

Forum 18 was unable to reach the Russian-appointed Human Rights Ombudspersons on 30 March to find out what (if anything) they might have done to defend these individuals' rights to freedom of religion or belief.

Pavel Butsai, Ombudsperson for Sevastopol, was out of the office, his colleagues told Forum 18. Larisa Opanasyuk, Ombudsperson for the Republic of Crimea in Simferopol, was similarly out of the office, but one of her colleagues – who did not give his name – insisted that she does "everything to defend the rights of individuals, including of religious minorities". However, he went on to insist that some of these individuals have been jailed under the Criminal Code, implying that they did not therefore qualify for help. He then put the phone down.

Russia began imposing its restrictions on the exercise of freedom of religion or belief – including its anti-"extremism" laws – following its annexation of Crimea from Ukraine in March 2014. Russia's annexation of Crimea is not recognised by Ukraine or internationally.

Long Russian jail sentences

In February 2021 a court in Russia's Krasnodar Region sentenced Jehovah's Witness Aleksandr Ivshin to seven and a half years' imprisonment (https://www.forum18.org/archive.php?article_id=2637) (his appeal has not yet been heard). One Jehovah's Witness from Pskov, Gennady Shpakovsky, was given a six and a half year jail term in June 2020, but this was changed to a suspended sentence of the same length (https://www.forum18.org/archive.php?article_id=2637) on appeal. Two other Jehovah's Witnesses in Russia are serving six-year jail terms, Dennis Christensen from Oryol (https://www.forum18.org/archive.php?article_id=2638) and Sergey Klimov from Tomsk (https://www.forum18.org/archive.php?article_id=2638).

One Russian Muslim reader of Said Nursi's works, Ilgar Vagif-ogly Aliyev, is serving a longer prison term on "extremism"-related charges to punish exercising freedom of religion or belief. A Dagestan court sentenced him to eight years' imprisonment in May 2018 (https://www.forum18.org/archive.php?article_id=2386).

Russia's "extremist" organisation bans applied in Crimea

Russia's Supreme Court banned Jehovah's Witnesses as "extremist" (https://www.forum18.org/archive.php?article_id=2297) in 2017. As of the end of March 2021, nearly 450 Jehovah's Witnesses in Russia remain under investigation, are on trial, or have been convicted on extremism-related charges. Nine are serving jail sentences after their convictions came into force; 37 are in detention while investigations or trials are ongoing or appeals pending; and 26 are under house arrest.

Following Russia's March 2014 occupation of Crimea, the Russian authorities granted re-registration to all 22 Jehovah's Witness communities in Crimea, but in 2017 they were banned following the Russian Supreme Court ban.

Russia's Supreme Court banned the Muslim missionary movement Tabligh Jamaat as "extremist" (https://www.forum18.org/archive.php?article_id=1724) in 2009. The Russian ban was imposed in Crimea after Russia unilaterally occupied and annexed the peninsula from Ukraine in March 2014.

Since the Russian annexation of Crimea, local courts have already jailed three individuals as "extremists" for exercising freedom of religion or belief:

- Muslim prisoner of conscience Renat Suleimanov, held since 2017 and sentenced to four years in January 2019 (https://www.forum18.org/archive.php?article_id=2444) for meeting openly in mosques with three friends to discuss their faith (he was released in December 2020 after completing his sentence, but remains under restrictions for one year);
- Jehovah's Witness Sergei Filatov, sentenced to six years with five years additional restrictions in March 2020 (https://www.forum18.org/archive.php?article_id=2552) for meeting with family and friends to discuss religious themes;
- and Jehovah's Witness Artyom Gerasimov, sentenced to six years in June 2020 () for meeting with others to discuss the Bible.

All three prisoners of conscience were transferred to Russia to serve their jail terms (https://www.forum18.org/archive.php?article_id=2616), where they are held under harsh conditions which violate the United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3). The FSB security service continues to question associates of one of the prisoners.

Three other Muslims convicted in the same 2019 trial as Suleimanov were given suspended sentences (https://www.forum18.org/archive.php?article_id=2444). The four were punished for meeting openly in mosques to discuss their faith.

Stashevsky: Criminal case to punish religious meetings

Jehovah's Witness Viktor Vladimirovich Stashevsky (born 11 July 1966) was handed the longest-known jail term in Crimea under Russia's "extremism"-related laws to punish exercising freedom of religion or belief. On 29 March, Judge Pavel Kryllo of Sevastopol's Gagarin District Court jailed him for six years and six months, to be followed by seven years of restrictions (see below).

Investigator Yuri Andreyev of the Russian FSB security service launched a criminal case against Stashevsky on 31 May 2019 under Russian Criminal Code Article 282.2, Part 1 (https://www.forum18.org/archive.php?article_id=2496) ("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 Russian FSB claimed that Stashevsky had "continued the activity and propagated the ideas of Jehovah's Witnesses, conducted meetings, and held religious talks".

On 4 June 2019, without showing any warrants, Russia's FSB raided nine homes in Sevastopol (https://www.forum18.org/archive.php?article_id=2496), including that of a 91-year-old woman. Officers threatened to plant drugs in the homes, Jehovah's Witnesses stated.

After being held overnight in a detention centre, the investigator allowed Stashevsky to be freed under a pledge not to leave the city.

On 11 July 2019, the investigator had Stashevsky added to the Russian Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2215), whose assets banks are obliged to freeze (although small transactions are permitted).

FSB Investigator Filipp Rybalka completed the criminal case on 21 February 2020. He described Stashevsky (https://www.forum18.org/archive.php?article_id=2577) as "the ideological inspirer of the extremist organisation, using his authority, well-developed strong-willed qualities and organisational abilities, as well as special knowledge and propaganda skills he had previously acquired".

Investigator Rybalka claimed that Stashevsky "deliberately took active organisational actions with the aim of continuing the unlawful activities of an extremist organisation prohibited by the court".

The case against Stashevsky reached Sevastopol's Gagarin District Court on 30 March 2020 (https://www.forum18.org/archive.php?article_id=2577), where it was assigned to Judge Valentin Norets. A preliminary hearing was held on 13 May, according to court records. The defence argued that Stashevsky is being prosecuted solely because of his religious convictions, which violates his Constitutional rights.

Stashevsky complained that he had not been given enough time to review the case against him. Judge Norets rebuked the Prosecutor, Jehovah's Witnesses noted. Several further trial hearings were held over the following months.

At the 30 June 2020 hearing, two former members of the registered Jehovah's Witness organisation in Sevastopol testified that after the Russian Supreme Court declared the Jehovah's Witness organisation "extremist" and banned its activity in 2017 (https://www.forum18.org/archive.php?article_id=2297), the Sevastopol organisation ceased to exist.

They said that neither Stashevsky nor other organisation members conducted any further activity on behalf of the organisation. They pointed out the difference between the organisation's activities – such as handling legal, financial and administrative matters – and individuals' activity of reading the Bible, praying and singing.

The defence complained that they were unable to question the prosecution "witnesses", the secret witness "Vasilisa Ivanova", and D. Korkushko, who had allegedly attended the community before its liquidation in 2017.

However, Judge Norets then resigned from the Court, and Stashevsky's trial was handed to a new Judge, Pavel Kryllo. On 19 October 2020, the trial began again from the start, with the Prosecutor presenting the case again and the judge questioning the prosecution witness, FSB officer Dmitry Shevchenko. The court accepted documents showing that Stashevsky's 85-year-old mother depends on him for her care.

Judge Kryllo oversaw numerous hearings in Stashevsky's trial between October 2020 and March 2021. The prosecution rested much of its cases on recordings of religious meetings at which Stashevsky spoke.

At a hearing on 22 March, the prosecutor demanded a seven-year ordinary regime jail term, Jehovah's Witnesses noted.

In his final word at the trial on 29 March, Stashevsky called on the Judge to acquit him, insisting that he had done nothing wrong. "If I stop being Jehovah's Witness," he told the court, "there would no longer be any complaint against me and all charges would be dropped. But I'm not prepared to renounce my faith in God. I was and remain Jehovah's Witness."

Stashevsky: Six and a half year jail term

On 29 March 2021, Judge Pavel Kryllo of Sevastopol's Gagarin District Court found Viktor Stashevsky guilty under Russian 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 Stashevsky for six years and six months in an ordinary regime labour camp, to be followed by seven years of restrictions.

The court website noted Stashevsky's sentence the same day, but without naming him. It identified his post-sentence restrictions as

"engaging in educational activity, and activity connected with appearances and publications in the media and posting materials on information/communication networks, including on the internet".

Judge Kryllo's assistant Natalya Nagayevich told Forum 18 on 30 March that Judge Kryllo is now on holiday. She refused to identify the prosecutor in Stashevsky's case. Sevastopol City Prosecutor's Office similarly refused to identify the prosecutor. "We don't discuss individual criminal cases," the official who answered the phone – who did not identify herself – told Forum 18 the same day.

In April and May 2018, Judge Kryllo of Gagarin District Court fined four longtime residents of Sevastopol (one of them twice) (https://www.forum18.org/archive.php?article_id=2441), all Ukrainian citizens, to punish them for participating in a Pentecostal worship meeting.

The FSB refused to put Forum 18 through to any of the investigators who had worked on prosecuting Stashevsky, including Captain Andreyev in Sevastopol who had launched the case, or Investigator Rybalka. "Captain Andreyev doesn't exist," the duty officer told Forum 18 on 30 March. Asked about other Investigators, the duty officer responded: "We don't give information on our officers."

Stashevsky has ten days from getting the written verdict to lodge an appeal to Sevastopol City Court. Jehovah's Witnesses say he is intending to do so.

Officials arrested Stashevsky in the court room on 29 March at the end of the trial, the Crimean Human Rights Group noted the same day. They then sent him to the Investigation Prison in Simferopol, about an hour and a half by road from Sevastopol. If he loses his appeal, Stashevsky is likely to be transferred to a labour camp in Russia.

Stashevsky's temporary address in Investigation Prison:

295006 Krym

g. Simferopol

Bulvar Lenina 4

Sledstvenny Izolyator No. 1

Sevastopol Five: Two transferred from Investigation Prison to house arrest after 6 months

Two of the five Jehovah's Witnesses in Sevastopol under criminal investigation were transferred in March from Investigation Prison to house arrest, with a third due to follow on 2 April. One remains in Investigation Prison, while the fifth does not appear to be under restrictions.

In the criminal case against four further Jehovah's Witnesses in Sevastopol, a court has transferred one of the four from pre-trial detention to house arrest. On 23 March, Sevastopol City Court changed the detention terms of Vladimir Fedorovich Sakada (born 1970) to house arrest.

On 24 March, Sevastopol City Court changed the term under pre-trial detention of Vladimir Ivanovich Maladyka (born 1963) so that it will now end on 2 April, according to the court website.

However, on 25 March, the same court left the pre-trial detention term for Yevgeny Sergeyevich Zhukov (born 1969) unchanged. He will be held until at least 27 May.

Zhukov's temporary address in Investigation Prison:

295006 Krym

g. Simferopol

Bulvar Lenina 4

Sledstvenny Izolyator No. 1

The fourth person in the case, Aleksandr Viktorovich Kostenko (born 1991), does not appear to be under any official restrictions.

Sevastopol Jehovah's Witness Igor Yakovlevich Schmidt (born 1972) is under investigation in a separate criminal case. On 23 March, Judge Vasily Avkhimov of Sevastopol City Court ordered that he be transferred from Investigation Prison to house arrest, according to the court website. Schmidt was held in Simferopol's Investigation Prison for nearly six months.

Senior Investigator for especially serious cases Captain Sergei Bosiyev of the Russian FSB's Crimea and Sevastopol's Investigation Department launched the criminal case against Schmidt on 24 September 2020. He faces charges under Russian Criminal Code Article 282.2, Part 1. On 2 October 2020, Sevastopol's Lenin District Court ordered that he be held in Investigation Prison (https://www.forum18.org/archive.php?article_id=2617) while the case against him was being prepared.

The FSB refused to put Forum 18 through to Captain Bosiyev on 30 March.

Police raided the Sevastopol homes of nine Jehovah's Witnesses in October 2020, as the Russian FSB was investigating the criminal cases against the six men.

Following the October 2020 raids and arrests, Svetlana Sakada, Vladimir Sakada's wife, insisted that her husband "has conducted no crimes against the foundations of the state". She added: "My husband does not admit any guilt". Similarly, Natalya Maladyka, Vladimir Maladyka's wife complained about the early morning raid and declared (https://www.forum18.org/archive.php?article_id=2617): "We don't understand why they treat us like that."

Shably: Criminal case to reach court "in about one month"

On 26 May 2020, Vladimir Zarubin, Investigator for Especially Important Cases at the Investigative Committee in Kerch launched a criminal case (https://www.forum18.org/archive.php?article_id=2577) against Jehovah's Witness Artyom Alekseyevich Shably (born 1990). The case was brought under Russian Criminal Code Article 282.2, Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation").

An hour after Zarubin launched the criminal case, officers raided Shably's home, as well as those of four other Jehovah's Witnesses in Kerch. Officers questioned six people, some of whom were elderly. Officers held Shably for three days in a temporary detention centre. Since then he has been at home, having signed a pledge not to leave his home town.

Investigator Zarubin refused to discuss the case against Shably or to say if the case involves anyone else. "This is connected with the secrecy of the pre-trial investigation," he told Forum 18 from Kerch on 30 March. "But he violated the law."

Zarubin refused to say what involvement Russia's FSB might have had in the case. "The FSB's activities apply to a certain category of individual, identifying those conducting illegal activity." Asked why the FSB could have been involved, given that Shably did not call for violence or threaten Russia's national security, Zarubin responded: "Extremism is not just a question of killing people or violence. It is also about undermining the constitutional order."

Investigator Zarubin said that he expects to send Shably's case to Kerch City Court "in about one month" for eventual trial.

Kuzio: Raids, new criminal case

Officers from Russia's FSB opened a new criminal case on 4 March 2021 against Yalta-based Jehovah's Witness Taras Grigoryevich Kuzio (born 19 June 1978). He is facing charges under Russian Criminal Code Article 282.3, Part 1 ("Financing of extremist activity").

On 11 March, officers raided at least nine homes of Jehovah's Witnesses in Yalta, including Kuzio's. Judge Viktor Krapko of Simferopol's Kiev District Court authorised the house searches. Five people were held for questioning, Jehovah's Witnesses told Forum 18, at least one of whom was taken to the regional capital Simferopol for questioning.

When raiding Kuzio's home in Yalta, officers did not wait for him to open the door but broke it down to gain entry. Officers seized all Kuzio's electronic equipment, as well as money.

Officers had subjected Kuzio to two earlier house searches (https://www.forum18.org/archive.php?article_id=2550), the first in February 2019. Officers, led by the FSB, again raided his Yalta home in February 2020. An FSB security service official present during the February 2020 raid put the phone down as soon as Forum 18 asked why the raid had been launched.

Officers then were seeking any links Kuzio might have had fellow Yalta Jehovah's Witness Artyom Gerasimov, who was subsequently jailed. It appeared that prosecutors had initially included Kuzio in the same criminal case, but only Gerasimov was then brought to trial in the case.

Following the 11 March 2021 raid, officers took Kuzio to the police temporary detention centre in the town of Bakhchisarai, where he was held for one day. He was then transferred to house arrest. (END)

Full reports on freedom of thought, conscience and belief in Crimea (<https://www.forum18.org/archive.php?query=&religion=all&country=86>)

For more background, see Forum 18's Crimea religious freedom survey (https://www.forum18.org/archive.php?article_id=2051)

Forum 18's reports and analyses on freedom of thought, conscience and belief in Russia within its internationally-recognised territory (<https://www.forum18.org/archive.php?query=&religion=all&country=10>)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion and belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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