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RUSSIA: Criminal cases against "unknown persons" lodged "to prevent lawyers 'meddling'"?

By Felix Corley, Forum 18 (<https://www.forum18.org>)

The day after Russia's Supreme Court in Moscow overturned a lower court ban on the activity of the Grace Pentecostal Church in Khabarovsk, local prosecutors again began summoning church members as they investigate two criminal cases against unnamed church members. The Church's lawyer, Inna Zagrebina, told Forum 18 News Service of concerns about criminal cases being lodged against "unknown persons". Church leaders are then questioned without being able to defend themselves. "This is often done to prevent lawyers 'meddling' in the cases," she said. "Then when the investigation is complete they unveil the accusation. So from the start it's clear who they're going to accuse, but that person can't do anything. It's a trick." The FSB security service has taken a close interest in the Church, but denied to Forum 18 it is running a campaign against the Church. Elsewhere, a Baptist conscientious objector to military service has been threatened in his military unit with prosecution. But the Military Prosecutor's Office has insisted that no case is planned.

The day after Russia's Supreme Court in Moscow overturned a lower court ban on the activity of the Grace Pentecostal Church in the Siberian city of Khabarovsk, local prosecutors again began summoning church members as they seek to bring criminal charges against the Church's leadership. "The following morning [6 July] two church members were summoned for questioning and this has continued almost every day," one church member who asked not to be identified told Forum 18 from Khabarovsk on 19 July.

The church member told Forum 18 the court hearings over the ban and the long criminal investigations and interrogations worry church members. "Of course all this has an impact – it is not pleasant. It affects people's nerves. Others start to look at us as if we have committed some crimes."

The case to ban the Church was brought by Khabarovsk Region's then Acting Prosecutor Valentin Volkov, and was handed to court on 24 February. On 27 April Judge Natalya Barabash of Khabarovsk Regional Court upheld the Prosecutor's suit and banned the activity of the Church throughout Khabarovsk Region (see F18News 29 June 2011 http://www.forum18.org/Archive.php?article_id=1587).

The Church then took its appeal to Russia's Supreme Court in Moscow which, on 5 July, overturned the ban, the Church's Moscow-based lawyer Inna Zagrebina told Forum 18. However, she pointed out that the Supreme Court can only overturn the most recent court decision, not annul it, so the suit returns to Khabarovsk Regional Court. She said that as of 25 July, the Supreme Court had not yet issued its written decision.

Criminal cases continue

Criminal cases have been launched under two Articles of the Criminal Code: Article 111, Part 1 ("Deliberate causing of serious harm to health"), which carries a prison term of up to eight years; and Article 239, Part 1 ("Creation of a religious or social association whose activity is linked with violence against citizens or other causes of harm to their health"). This carries a fine or imprisonment of up to three years (see F18News 29 June 2011 http://www.forum18.org/Archive.php?article_id=1587).

During the Supreme Court hearing, the General Prosecutor's Office representative, Vladimir Krotov, noted that the two criminal cases being investigated against unnamed church members have been joined into one case.

However, Igor Lavrienko, Deputy Head of Khabarovsk's Investigation Committee, who is overseeing one of the cases, insisted to Forum 18 on 19 July that the two cases are still proceeding separately.

"To prevent lawyers 'meddling' in the cases"?

The Church's lawyer Zagrebina noted concerns among church members that criminal cases are lodged against "unknown persons". Church leaders are then questioned in the cases without being able to defend themselves. "This is often done to prevent lawyers 'meddling' in the cases," she told Forum 18. "Then when the investigation is complete they unveil the accusation. So from the start

it's clear who they're going to accuse, but that person can't do anything. It's a trick."

Close FSB interest

The current moves against Grace Church appear to have begun in 2009 and have involved several state agencies, including the Khabarovsk Regional Justice Department, the courts, the FSB security service, the Prosecutor's Office and the Investigation Committee.

Close FSB interest is clear from a 27 September 2010 letter from Lieutenant-General Sergei Demin, head of the FSB Directorate for Khabarovsk Region, to the Deputy Prosecutor for Khabarovsk Region Lidiya Dyakonova. The four-page letter, seen by Forum 18, details many of the Church's activities over nearly twenty years, including its foundation by foreigners, alleged financial impropriety by foreigners, splits in the Church and the transition to a new leadership.

Demin expresses concern that the Church's work with children is allegedly conducted by individuals "without the appropriate pedagogical and social training" and claims that the "religious cultivation of children who do not have firm reference points in life is capable of exerting on them a certain psychological influence, possibly leading to nervous stresses and mental illnesses".

The FSB letter complained that a religious course, Tres Dias, was held regularly over several days at a children's camp in Amur District, "in harsh isolation". It alleged that after a September 2009 course, "a range of church members" had complained to the police of harm to their health.

The FSB letter notes that "check-ups" by the local Justice Department in 2009-10 found "a range of violations" by the Grace Church. Its Pastor Vladimir Pak was given administrative fines for failing to maintain documentation of an audit committee, distributing audio recordings which did not have the name and address of the church on them, failing to document church members' financial offerings and "a range of other accounting violations".

Lieutenant-General Demin noted that they have not put under surveillance any church "adepts" (a pejorative term for a member of a sect) did not ask the Prosecutor's Office to take any action on the Church, saying that the information was being provided as "a co-operative measure".

However, the same evening that Demin signed his letter, Investigator M. Vostrikov of Amur District Police launched a criminal case against "unknown persons" on the basis of alleged harm to health suffered by a woman who had attended the course the Church had run nearly 13 months earlier. The document recording the launching of the case, seen by Forum 18, notes that it was initiated under Article 111, Part 1.

The FSB security service has also been, along with the police, closely monitoring both Jehovah's Witnesses and Muslim readers of the works of Muslim theologian Said Nursi – from both within and outside their communities (see F18News 12 August 2010 http://www.forum18.org/Archive.php?article_id=1478).

Does FSB regard Grace Church as "destructive"?

Forum 18 was unable to reach Khabarovsk Regional FSB chief Demin. His assistant, who would not give his name, told Forum 18 from Khabarovsk on 25 July that Demin was on leave. Asked about why, as is clear from the September 2010 letter, the FSB has devoted resources to closely following Grace Church's activity, the assistant responded: "That is a classified document. How did you get hold of it?" The assistant then added: "I don't understand why you are intending to defend this Church."

The assistant maintained that it is the obligation of the FSB security service to "defend national security and the interests of citizens of the Russian Federation". He said this included protecting citizens "who could suffer harm to their health from religious organisations of destructive character". Asked whether the FSB regards Khabarovsk's Grace Church as "destructive", the assistant told Forum 18: "There is a Prosecutor's Office declaration and an expert analysis that they harmed the health of individuals." The assistant rejected suggestions that the FSB was waging a campaign against the church.

Extremism prosecutions

A number of religious communities – mainly Protestant – face accusations that they harm adherents' health. Other religious communities – mainly Jehovah's Witnesses and Muslim readers of the works of Said Nursi – face accusations of "extremism", with a number facing criminal prosecution and even imprisonment (see F18News 19 July 2011 http://www.forum18.org/Archive.php?article_id=1594).

Intrusive requests for information are becoming more frequent. In a letter seen by Forum 18, a police officer in the town of Yakutsk, regional capital of the Republic of Sakha (Yakutia), on 3 March sent some local religious communities an "urgent" request for information required out of "service need". The letter demanded information on the leader (including a photo), sources of funding, places of meeting, number of members, when the last visit by missionaries took place and from where, whether they have Sunday

schools and children's camps and the identities of the children, and whether any members of the community have rejected military service on religious grounds.

In documentation seen by Forum 18, Yakutsk's acting Deputy Prosecutor R. Fayzrakhmanov on 4 April rejected an application by a local Protestant pastor that the demands for information were unlawful.

Roman Lunkin, President of the Guild of Experts on Religion and Law, told Forum 18 on 25 May that only Protestant churches received the demand for information, which he regards as "illegal" and "the deliberate and purposeful policy of officials and police". However, on 6 May Sakha Interior Ministry rejected his written protest against the demand.

Some Russian lawyers have identified a pattern in Russia today of state interference in the activity of minority religious communities - whether or not that interference is legal (see F18News 1 March 2011 http://www.forum18.org/Archive.php?article_id=1548).

Baptist conscientious objector in psychiatric unit

A 20-year-old Baptist from Tyumen, Igor Shlak, has been held in a psychiatric hospital in his military unit in Krasnoyarsk Region since 1 July, church members told Forum 18 from Tyumen on 18 July. "He refuses to take the military oath or to take weapons in his hands because of his religious convictions. The Gospel sets out this position very clearly."

Konstantin Kostyakov, assistant to the Military Prosecutor's Office, who is based in Uzhur, confirmed that Shlak has been held in a psychiatric unit. "This was to check his capability for serving," he insisted to Forum 18 on 18 July. "No medicines were given him – he was just under observation."

Shlak, who is a member of a Council of Churches Baptist congregation in Tyumen, was called up against his will in November 2010. He wished to do alternative service, as he objects on religious ground to swearing the military oath and taking up weapons.

Several Church members, including Shlak's mother Valentina Zhigareva, were able to travel to the military unit in Uzhur to visit him in mid-July. They say the psychiatric assessment has found Shlak to be mentally healthy. "He is due to be freed from the psychiatric unit soon," they told Forum 18.

Will Shlak be prosecuted?

Shlak was first sent to a military education unit in Saratov Region, where church members say he was able to serve without taking the oath and without weapons. However, his problems began after being transferred in April 2011 to a unit in Uzhur in Krasnoyarsk Region.

Church members are concerned that Shlak might face criminal charges. They say Major Andrei Sarapultsev, the deputy commander of the military unit 32441-K in Uzhur where Shlak is based, told them the young Baptist will be prosecuted. "We have to put him on trial," church members quoted Sarapultsev as telling Shlak's mother.

Forum 18 tried to reach Major Sarapultsev on 19 July, but was put through instead to one of his aides, who did not give his name. "The prosecutor will decide whether to prosecute," the aide told Forum 18. He declined to answer any other questions. "This conversation is at an end," he said and put the phone down.

Kostyakov of the Military Prosecutor's Office insisted that no criminal case has been launched against Shlak and no case is planned. "No one will force him to take up weapons," he added. Asked what will happen to him, Kostyakov said it was not a decision for the Military Prosecutor's Office but for the unit's commander, Andrei Faeskanov, who is currently on leave.

Why wasn't alternative service offered?

Members of Shlak's church told Forum 18 that six months before his call-up, he went to the Tyumen and Nizhnetavdinsk Districts Military Enlistment Office to present a written request to do alternative service. However, an official there Maksim Sheremetyev, told him to come back when he was due for call-up. He lodged the written request when he was due for call-up.

However, when Shlak was summoned to the Conscription Commission, officials told him the application was sitting in his file and that no-one had looked at it. He was then told that he had not been chosen for alternative service, and that he therefore had to serve in the military.

Forum 18 was unable to find out why Shlak's request to do alternative service appears not to have been considered. Sheremetyev of the Military Enlistment Office confirmed to Forum 18 from Tyumen on 18 July that he had called Shlak up. He insisted "no illegal activities" had taken place in relation to Shlak, but declined absolutely to discuss anything further about why he had not been assigned to alternative service as he had requested. "I am not authorised to answer any questions," he said, and put the phone down.

Usually no obstacles to alternative service

Generally speaking, those who cannot serve in the armed forces on grounds of conscience do not face obstacles opting for alternative service, human rights defenders told Forum 18. "There are certain deadlines – applications need to be lodged in time – but I don't see problems in this area," Vladimir Ryakhovsky of the Slavic Centre for Law and Justice told Forum 18 from Moscow on 25 July.

Jehovah's Witness young men – who refuse on grounds of religious conscience to have anything to do with military service – do not generally have problems. "Sometimes officials of the Military Conscription Office speak negatively of the religious views of those applying for alternative service and try to persuade them to change their minds, sometimes in a highly humiliating way," Jehovah's Witness spokesperson Grigory Martynov told Forum 18 on 25 July. "But as a rule, in the end they provide them alternative service." (END)

For more background, see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1196.

Analysis of the background to Russian policy on "religious extremism" is available in two articles: - 'How the battle with "religious extremism" began' (F18News 27 April 2009 http://www.forum18.org/Archive.php?article_id=1287 - and - 'The battle with "religious extremism" - a return to past methods?' (F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

A personal commentary by Irina Budkina, Editor of the <http://www.samstar.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.

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.

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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