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RUSSIA: Prison, trials, investigations for religious meetings

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

Yevgeny Kim was jailed for three years, nine months in Blagoveshchensk for meeting to study Muslim theologian Said Nursi's works. Another nine elsewhere are on trial or being investigated. Two Jehovah's Witnesses appear to have received a verdict in Sergiyev Posad. Other criminal cases continue.

A Muslim in the Russian Far Eastern city of Blagoveshchensk has been sentenced to three years and nine months' imprisonment for studying the works of late Turkish theologian Said Nursi. Yevgeny Kim is the first person to receive a jail sentence for allegedly continuing the activities of the banned "extremist" organisation "Nurdzhular" for more than two years.

Five other Sunni Muslim men are still on trial on similar charges under Criminal Code Article 282.2 ("Organisation of" or "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") in Krasnoyarsk and Makhachkala, while the FSB security service continues its investigations of four more in Novosibirsk and another in Izberbash in Dagestan (see below).

Jehovah's Witnesses are also facing punishment for exercising their right to freedom of religion or belief.

On 21 June, Sergiyev Posad City Court appears to have handed down verdicts in the trial of Andrei Sivak and Vyacheslav Stepanov for alleged incitement of religious hatred under Criminal Code Article 282, Part 2 ("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"), of which they were initially acquitted in 2016 (see below).

Danish citizen Dennis Christensen is in pre-trial detention in Oryol, having also been charged under Criminal Code Article 282.2, Part 1, with "organising the activities of a banned extremist organisation" for attending a bible study group (see below).

Jehovah's Witness community leader Arkadya Akopyan, meanwhile, is on trial in Prokhladny in the North Caucasus Republic of Kabardino-Balkariya for allegedly inciting religious hatred in his sermons (Criminal Code Article 282, Part 1) (see below).

Blagoveshchensk: prison sentence for reading Nursi's books

After six months and 25 hearings, Yevgeny Lvovich Kim (born 5 October 1974) was found guilty on two charges 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 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").

Judge Aleksei Salnikov of Blagoveshchensk City Court sentenced him on 19 June to 3 years and 9 months in a ordinary-regime labour camp. In a video of the sentencing made available by the court, the judge stipulates that Kim's imprisonment is to be followed by one year of "restrictions on freedom – during this time, he will not be allowed to move house or travel outside his place of residence without permission, and may have to report regularly to probation authorities.

The official video shows police officers removing Kim's handcuffs as he is put inside the cage in a small courtroom, and Kim and his lawyer listening as Judge Salnikov reads out the sentence. Kim is then led from the room.

Kim's time in detention before and during the trial, amounting to nearly 18 months spent in Blagoveshchensk's Investigation Prison No.1, will be subtracted from his sentence, a fellow Muslim who has been following the case told Forum 18 on 21 June. He added that Kim intends to appeal against his conviction.

An Amur Region FSB representative commented in a 20 June report on local news website amur.info that Kim, "engaging in the

religious activities and sharing the religious ideas of the international religious association "Nurdzhular", organised religious meetings, during which he quoted from texts of Said Nursi which are recognised as extremist and included in the Federal List of Extremist Materials, thus bringing their content to those participating in the meetings by means of discussion and commentary on what was read".

The report adds that the religious literature seized from Kim's home (about 370 items) will be destroyed.

Amur Region FSB and Blagoveshchensk City Court have consistently refused to answer questions from Forum 18 about the case.

Kim's fellow Muslim who has been following the case told Forum 18 that witnesses questioned in court in March "refused to corroborate the testimonies they had given during the preliminary investigation, explaining that they had not said these things [and] that they had been interrogated in handcuffs".

According to the formal charges, seen by Forum 18, Kim "systematically organised the carrying out of religious gatherings, united by one theme – the study of the works of Said Nursi, which are the foundation of the ideology of the international religious organisation Nurdzhular, which threatens inter-ethnic and inter-confessional stability in society and the territorial integrity of the state".

The FSB's case file nevertheless notes that Kim refused to admit any guilt throughout the investigation, does not recognise the existence of "Nurdzhular", and does not consider himself a member.

The additional charge under Article 282, Part 1, is unusual for a Nursi-related case; Forum 18 knows of only two other individuals who read Nursi's writings who have been taken to court for this alleged offence since the works began to be banned in 2007 (see F18News 14 October 2011 http://www.forum18.org/archive.php?article_id=1625).

According to the FSB investigators, "by verbal and non-verbal means .. [Kim] exerted a leading, directing, unifying and active effect on the subconsciousness, consciousness, will, and behaviour of people attending the gatherings, with the aim of formulating in them a feeling of hatred and enmity, and also of humiliating the dignity of a person or group of people on grounds of religion and social grouping" and "inculcating a belief in the social and religious superiority of the followers of the teachings of 'Risale-i Nur'".

The Moscow-based SOVA Center noted in its report of 20 June that Criminal Code Article 282 ("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") specifically covers public actions aimed at inciting hatred, while Kim's alleged remarks were addressed to a small number of people at private religious meetings.

Kim and several friends were detained and interrogated after an armed FSB unit raided Kim's flat on 26 December 2015, during a gathering to celebrate the birthday of the Muslim Prophet Mohammed (see F18News 21 January 2016 http://www.forum18.org/archive.php?article_id=2141). All but Kim were later released.

Kim's friend Anton Pavlovich Starodubtsev (born 4 April 1980), who attended the gathering, described to Moscow-based human rights monitor OVD-Info how armed men in balaclavas stormed the flat between 7 and 8pm, then made the attendees lie handcuffed on the floor for five hours while the property was searched and individuals taken into another room to be questioned. Starodubtsev was later also 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") but his whereabouts remain unknown.

After his and his friends' initial detention, Starodubtsev complained to the regional FSB, the city prosecutor's office, and the Presidential Administration of the treatment they received during both arrest and questioning, including threats and attempted blackmail (receiving no response). He has categorically denied any involvement in "extremist" activity (see F18News 11 April 2016 http://www.forum18.org/archive.php?article_id=2166).

Both Kim and Starodubtsev appear on the Rosfinmonitoring list of "terrorists and extremists".

Sergiyev Posad: Verdict in Jehovah's Witness trial

Sergiyev Posad City Court appears to have reached a verdict on 21 June in the trial of Vyacheslav Yuryevich Stepanov (born 20 March 1977) and Andrei Petrovich Sivak (born 28 March 1974). The retrial took eleven months and 24 hearings with multiple delays. Court officials refused to tell Forum 18 on 23 June what the verdict was.

The two Jehovah's Witness elders had originally been acquitted by a different judge at the same court on 4 March 2016, but were forced to undergo repeat proceedings after Moscow Regional Court overturned this ruling on 26 May 2016 at the request of prosecutors.

Sivak and Stepanov were charged under Criminal Code Article 282, Part 2. This punishes "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", when committed a) with violence or the threat of violence; b) by a person using their official position; c) by an organised group (of which Stepanov and Sivak are accused).

As their alleged offences took place before amendments to the Criminal Code increased extremism-related sentences in February 2014 and July 2016, Stepanov and Sivak faced the following possible punishments: a fine of 100,000 to 500,000 Roubles or 2 to 3 years' income; or community service for up to 480 hours; or 1 to 2 years' correctional labour (ispravitelnaya rabota); or up to 5 years' compulsory labour (prinutdelnaya rabota); or up to 5 years' imprisonment.

They were originally brought to Sergiyev Posad City Court in August 2015, after an unusually long investigation beginning in April 2013, during which Sivak and Stepanov were added to the Interior Ministry wanted persons database on three occasions without any grounds and without their knowledge (see F18News 26 January 2017 http://www.forum18.org/archive.php?article_id=2250).

In March 2016, Judge Yelena Aminova found the two men not guilty of organising gatherings, "veiled under the guise of 'religious meetings'", with the aim of "inciting hatred and enmity against followers of all religions other than adherents of the 'Jehovah's Witnesses' religious organisation, and humiliating human dignity on the grounds of religion".

According to the written verdict, prosecutors also accused them of "contrasting the 'Jehovah's Witnesses' religion to other religions, declaring [the latter] 'false', [and] evaluating them very negatively, as well as appealing to citizens to refuse their civic responsibilities and commit illegal actions" – claims for which Judge Aminova concluded there was no evidence in the recordings presented to the court. She also ruled that the men were to be compensated for moral damages.

Both men's names appear on the Rosfinmonitoring list of terrorists and extremists. During the re-trial, they were placed under travel restrictions, Jehovah's Witnesses told Forum 18.

Oryol: Danish Jehovah's Witness detained

Danish citizen Dennis Ole Christensen (born 18 December 1972) is in pre-trial detention in Oryol after being charged with "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" (Criminal Code Article 282.2, Part 1). This is the first such case against a Jehovah's Witness since sixteen people were convicted in Taganrog in 2015 (see F18News 3 December 2015 http://www.forum18.org/archive.php?article_id=2128).

If convicted, Christensen could be imprisoned for six to ten years or fined 400,000 to 800,000 Roubles.

The registered Jehovah's Witness community in Oryol was ruled "extremist" and liquidated in 2016. Its former members have since been vulnerable to criminal prosecution if they continued to meet for prayer or Bible study. Jehovah's Witnesses confirmed to Forum 18 on 21 June that Christensen's prosecution is linked to the Oryol ban, and not directly to the Supreme Court decision on 20 April 2017 to liquidate the national-level Administrative Centre as extremist.

Although the Administrative Centre's and local organisations' activities are currently suspended, this ruling will only come into full legal force if the Jehovah's Witnesses' appeal (due to be heard on 17 July) is unsuccessful.

The police and FSB security service arrested Christensen during a raid on a Bible study meeting on the evening of 25 May. Local news website Orlovskiy Novosti posted video footage (about 13 minutes long, with no commentary) of the events on YouTube. It shows at least a dozen officers in black stab-proof vests and balaclavas (accompanied by other in plain clothes) scaling the fence around what appears to be a purpose-built Kingdom Hall at No. 50 Railway Street.

When a Jehovah's Witness attempts to block an internal door to the main hall, officers bodily lift him out of the way. Christensen and other Jehovah's Witnesses object that the search is unlawful, which the plain-clothes officers deny.

The person with the camera then moves around the rest of the building and its grounds – while the police and FSB remain inside – before the footage cuts back to the hall, where the congregation is shown still waiting. The moment of arrest is not shown.

The FSB also seized a large quantity of religious literature, audio-visual equipment, electronic devices, and financial documentation, an FSB source commented to Orlovskiy Novosti on 10 June.

On 20 June the Jehovah's Witnesses published a video of an interview with Irina Christensen (Dennis Christensen's wife), and others who were present during the raid, describes how officers stopped them from using their phones or leaving the building, seized their tablet computers, and took down their passport details. The FSB security service then took several men to their office.

The following day, Judge Svetlana Naumova of Oryol's Soviet District Court granted the FSB's request to detain Dennis Christensen

for two months while they carry out their investigation. Christensen's appeal against his detention, initially delayed because of the difficulty in finding a Russian-Danish interpreter, was eventually heard at Oryol Regional Court on 21 June, Jehovah's Witnesses told Forum 18, but this was unsuccessful.

"On hearing the court's decision, many of those present in the courtroom could not hold back their tears," Jehovah's Witnesses stated on 21 June. They added that investigators "falsely" told the judge that Christensen was the leader of the banned Oryol community, when in fact he was only ever an ordinary member.

Jehovah's Witnesses confirmed to Forum 18 on 21 June that Christensen has not been allowed to see or speak to his wife Irina Christensen since his arrival in jail. She has, however, been allowed to send him letters, newspapers, and a Jehovah's Witness New World Bible via the guards. Christensen was also able to meet the Danish consul on 30 May.

The Open Russia human rights initiative reported on 22 June, however, that Christensen complained at the appeal hearing that his Bible had been removed and that he has become ill in the cold and damp conditions of his cell as he has not been given warm clothing.

Christensen has lived in Russia for the last 14 years and appears to have worked in the roofing business in Oryol for the last eight. He is married to a Russian citizen. As of 23 June, he does not appear on Rosfinmonitoring's list of terrorists and extremists.

Christensen's prison address is:

Sledstvenny Izolyator No. 1

302040 Oryol

Ul. Krasnoarmeyskaya 10

Russia

Forum 18 wrote to Oryol Region FSB on 22 June to ask why Christensen was considered so dangerous he had to be kept in pre-trial detention, whether any other people are or would be charged in the case, and when and where Christensen's case was likely to be heard. No reply has been received as of the afternoon of the Oryol working day of 23 June.

Oryol Regional Court declared the Oryol Jehovah's Witness community an "extremist" organisation on 14 June 2016 and ordered it to be liquidated and its activities banned. This decision came into force on 18 October 2016 after the Supreme Court rejected the Jehovah's Witnesses' appeal. A further appeal was refused consideration by the Supreme Court on 27 March 2017.

The path to liquidation was a familiar one, beginning with state accusations of distributing "extremist material" and a 12-month warning on 24 August 2015 from the regional Justice Ministry of "the inadmissibility of extremist activity", which threatened liquidation should further violations be detected. The community challenged this unsuccessfully.

An FSB security service raid on their rented premises on 25 November 2015 allegedly found copies of banned Jehovah's Witness literature, leading to conviction under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials included in the published Federal List of Extremist Materials, as well as their production or storage for mass distribution") (see F18News 19 June 2017 http://www.forum18.org/archive.php?article_id=2287) and the initiation of a liquidation suit.

A total of ten registered Jehovah's Witness communities have been dissolved in the same way (in Taganrog in 2009; Samara in 2014; Abinsk and Tyumen (though the latter ban was overturned on appeal) in 2015; Stariy Oskol, Belgorod, Elista, Oryol, and Birobidzhan, all in 2016; and Cherkessk in 2017).

Prokhladny Jehovah's Witness leader on trial

Arkadya Akopovich Akopyan, head of the Prokhladny Jehovah's Witness community, has been charged 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 is currently on trial before Judge Oleg Golovashko at Prokhladny City Court in Kabardino-Balkariya.

After the preliminary hearing was twice delayed at request of prosecutors, who "asked for more time to prepare their position on the case" Jehovah's Witnesses stated on 18 May, the trial eventually got underway on 1 June. The first full hearing took place on 15 June, with the next due on 4 July, according to court records.

Akopyan is accused of giving sermons in which he "degraded the dignity of adherents of other religions", Jehovah's Witnesses stated on 7 June. He is also accused of distributing banned "extremist" literature among members of his congregation. He claims that the

charges are based on false testimony from witnesses, and has appealed to the investigative committee with a request to charge those who, he believes, lied in their statements to investigators.

If convicted, Akopyan may receive the following possible punishments: a fine of 300,000 to 500,000 Roubles; or 2 to 3 years' income; or compulsory labour (prinutdelnaya rabota) for 1 to 4 years with a ban on working in one's profession for up to 3 years; or 2 to 5 years' imprisonment.

The Caucasus edition of the "Moskovsky Komsomolets" newspaper reported on 1 March 2017, before the case was submitted to court, that "in his sermons, Akopyan .. called Orthodox priests paedophiles and Muslim imams murders and mujahideen. After the scandalous demonstration in an Orthodox church in Moscow by the "Pussy Riot" activists, he publicly supported and condoned the actions of these crazy women".

Akopyan has been placed under travel restrictions, Jehovah's Witnesses told Forum 18 on 21 June, but does not appear on the Rosfinmonitoring list of terrorists and extremists as of 23 June.

"Anti-extremism" police and the FSB raided Prokhladny's Kingdom Hall in March 2016 and allegedly discovered banned Jehovah's Witness literature (see F18News 19 June 2017 http://www.forum18.org/archive.php?article_id=2287). On 16 May 2016, the community received a 100,000 Rouble fine under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials included in the published Federal List of Extremist Materials, as well as their production or storage for mass distribution"), and in June 2016, the Prokhladny Inter-District Investigative Committee initiated its case against Akopyan.

Telephones at the investigative committee went unanswered when Forum 18 called on 22 June to ask why Akopyan was considered dangerous.

Individual members of the Prokhladny community were also prosecuted under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials included in the published Federal List of Extremist Materials, as well as their production or storage for mass distribution") in 2015 (see F18News 25 April 2016 http://www.forum18.org/archive.php?article_id=2171) and in 2016 (see F18News 19 June 2017 http://www.forum18.org/archive.php?article_id=2287).

Dagestan Nursi readers

Ilgar Vagif-ogly Aliyev, a Muslim who reads Nursi's works who was arrested in Izberbash on 19 April, remains in pre-trial detention in Makhachkala, his lawyer Magomedrasul Zaripov told Forum 18 on 19 June (see F18News 12 May 2017 http://www.forum18.org/archive.php?article_id=2279). He has still not been added to the Rosfinmonitoring list.

The trial of fellow readers of Nursi's works - Ziyavdin Badirsoltanovich Dapayev (born 12 May 1982) and brothers Sukhrab Abdulgamidovich Kaltuyev (born 13 November 1981) and Artur Abdulgamidovich Kaltuyev (born 15 June 1986) - is continuing at Lenin District Court in Makhachkala (see F18News 12 May 2017 http://www.forum18.org/archive.php?article_id=2279). There have been eight hearings so far, most recently on 16 June. The next is scheduled for 3 July, according to the court website.

Krasnoyarsk Nursi readers

Nursi readers Andrei Nikolayevich Dedkov (born 16 June 1979) and Andrei Gennadyevich Rekst (born 14 March 1994) are also still on trial at Soviet District Court and Sverdlovsk District Court respectively (see F18News 12 May 2017 http://www.forum18.org/archive.php?article_id=2279). After two delayed hearings in April and May, Dedkov is next due to appear on 23 June. Rekst has undergone three hearings so far, most recently on 13 June. His next appearance is due on 10 July.

Novosibirsk Nursi readers

Four Muslims – Komil Olimovich Odilov (born 18 August 1975), Uralbek Karaguzinov (born 21 July 1954), Mirsultan Takhir-ogly Nasirov (born 8 October 1997), and Timur Muzafarovich Atadzhanov (born 21 April 1988) – remain under investigation, charged under Criminal Code Article 282.2, Parts 1 and 2 ("Organisation of" or "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") (see F18News 12 May 2017 http://www.forum18.org/archive.php?article_id=2279). Odilov's lawyer Yuliya Zhemchugova, told Forum 18 on 19 June that the investigation has been extended again.

All the defendants in these cases against Muslims who read Nursi's works, with the exception of Aliyev, have been added to the Rosfinmonitoring list. (END)

For more background see Forum 18's surveys of the general state of freedom of religion and belief in Russia at http://www.forum18.org/Archive.php?article_id=2246, and of the dramatic decline in this freedom related to Russia's Extremism Law at 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, 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 found at http://www.forum18.org/Archive.php?article_id=1351.

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