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RUSSIA: Two criminal trials, three criminal investigations

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

The criminal trial of Danish Jehovah's Witness Dennis Christensen, accused of "continuing the activities of a banned extremist organisation", began in Oryol after nearly nine months' detention. Investigators launched three similar criminal investigations against Jehovah's Witnesses in Belgorod, Kemerovo and Oryol. Arkadya Akopyan is on trial for inciting religious hatred.

Investigators in two regions of Russia have initiated the first criminal cases against Jehovah's Witnesses for "continuing the activities of a banned extremist organisation" since the Supreme Court's ruling outlawing all Jehovah's Witness activity came into force in July 2017. Another criminal case elsewhere was initiated because of an earlier ban on a local Jehovah's Witness community.

Mass law enforcement raids in Belgorod in southern European Russia and Kemerovo in Siberia resulted in detentions, house searches, interrogations, and the placing of several people under investigation under Criminal Code Article 282.2 ("Organisation of and "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 below).

The Investigative Committee has announced that it has opened another case against a Jehovah's Witness in Oryol, this time under Criminal Code Article 282.2, Part 2 ("Participation in the activities of a banned extremist organisation") (see below).

Meanwhile, the first hearing in the trial of Danish Jehovah's Witness prisoner of conscience Dennis Christensen took place in Oryol on 19 February. Christensen has spent nearly nine months in pre-trial detention. He faces 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"), although his case derives from an earlier ban on a local community, not the nationwide liquidation (see below).

The trial of former Jehovah's Witness leader Arkadya Akopyan is continuing in Prokhladny in the North Caucasus. Akopyan 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"). His latest hearing was due on 20 February. He is not under arrest, but is under restrictions at home (see below).

Prosecutors have also long used Criminal Code Article 282.2 ("Organisation of and "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") against Muslims who read the works of late Turkish theologian Said Nursi. People who meet to study his writings can be accused of continuing the activities of "Nurdzhular". This organisation was banned as "extremist" by the Supreme Court in 2008, even though Muslims in Russia deny it has ever existed (see Forum 18's Russia "extremism" religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

At least three Muslims who read Nursi's works are known to be on trial, two in Krasnoyarsk in Siberia and one in Izberbash in Dagestan. Two other men have also been charged, one of whom is due to appear in court in Novosibirsk soon (see F18News 1 March 2018 http://www.forum18.org/archive.php?article_id=2358).

2017 saw the conviction of four Muslims under 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"), for their alleged organisation of "cells" of "Nurdzhular" activity (see F18News 8 December 2017 http://www.forum18.org/archive.php?article_id=2339).

Banned since July 2017

The Supreme Court's ruling that the Jehovah's Witness Administrative Centre be declared an "extremist" organisation and its activities prohibited throughout Russia came into force on 17 July 2017, when an appeal panel upheld the original 20 April 2017

decision (see F18News 18 July 2017 http://www.forum18.org/archive.php?article_id=2297).

The Jehovah's Witness Administrative Centre and all 395 local communities were added to the Justice Ministry's list of banned "extremist" organisations, alongside violent far-right and Islamist groups. They are also included on the Federal Financial Monitoring Service (Rosfinmonitoring) list of "terrorists and extremists" whose assets banks are obliged to freeze (though in the case of Jehovah's Witness organisations, the state has already seized their assets).

Jehovah's Witnesses are in a unique position in Russia as the only centralised religious organisation with a nationwide presence which has been ruled "extremist" and liquidated, thus losing its legal personality and forfeiting its property (see F18News 19 December 2017 http://www.forum18.org/archive.php?article_id=2344).

Punishments

Amendments to the Criminal Code in July 2016 introduced harsher penalties for "extremism"-related offences (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=2215). If convicted, the Jehovah's Witnesses in Belgorod and Kemerovo, as well as Christensen in Oryol, could be sentenced to the following 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"):

Part 1 – a fine of 400,000 to 800,000 Roubles (or two to four years' salary); or six to ten years' imprisonment followed by restrictions on pursuing certain jobs and activities for up to ten years and restrictions on freedom for one to two years;

Part 2 – a fine of 300,000 to 600,000 Roubles (or two to three years' salary); compulsory labour for one to four years with possible restrictions on pursuing certain jobs and activities for two to six years; or two to six years' imprisonment followed by restrictions on pursuing certain jobs and activities for up to five years or restrictions on freedom for up to a year.

For any defendant whose alleged offence took place before 20 July 2016 (such as the two Muslims on trial in Krasnoyarsk), earlier provisions remain in place.

Belgorod: Detentions, criminal investigations

Two Jehovah's Witnesses in Belgorod – Anatoly Shalyapin and Sergey Voykov – are under investigation for alleged offences 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"). After their arrest on the evening of 7 February, the men were held for 48 hours while police determined whether to keep them in custody or place them under lesser restrictive measures. After their release, police investigators placed both men under travel restrictions.

Police released other Jehovah's Witnesses detained at the same time after taking their passport details and fingerprints, although this process appears to have continued through the night, as the last detainee was allowed to leave only the following morning, Jehovah's Witnesses stated on 9 February.

Police issued the Jehovah's Witnesses with summons to return for questioning – it remains unclear whether further cases will be initiated, in addition to the one against Shalyapin and Voykov.

Those detained included a group of deaf people who had been meeting socially, Jehovah's Witnesses report.

Police carried out simultaneous raids on 16 homes in the city on 7 February, accompanied by armed officers of the Special Rapid Reaction Unit (SOBR) of the National Guard. SOBR exists to combat organised crime and terrorism.

In some cases, officers "threw people to the floor" or put them up against the wall, Jehovah's Witnesses stated. Jehovah's Witnesses described officers' behaviour during the subsequent searches as "rough" and "offensive". Police seized Bibles, electronic devices, passports, money, "and even photographs hanging on the wall".

According to Jehovah's Witnesses, during the interrogations which began on 8 February, investigators asked the Jehovah's Witnesses such questions as "Do you really believe that at the Last Judgment everyone will die and you will survive?" and "How do you feel about President Putin?"

Police conducted four further searches in homes and a garage on 13 and 14 February, Jehovah's Witnesses told Forum 18.

Twelve investigators of the police Investigative Department have been assigned to the case. Asked about the case on 15 February, a police spokeswoman directed Forum 18 to Aleksei Goncharuk, head of the information and public relations department. He told

Forum 18 on 19 February that an official request for information must be submitted in writing – Forum 18 did this in the afternoon of the Belgorod working day on 19 February. Forum 18 is yet to receive a response.

Neither Shalyapin nor Volkov yet appears on the Federal Financial Monitoring Service (Rosfinmonitoring) list of "terrorists and extremists", whose assets banks are obliged to freeze. According to Federal Tax Service records, neither was a founding member of the former Belgorod community of Jehovah's Witnesses.

The local Jehovah's Witness religious organisation in Belgorod was ruled extremist and ordered liquidated by Belgorod Regional Court in February 2016 – the community's activities officially ceased on 8 August 2016, according to Federal Tax Service records. None of its former members was prosecuted, however, before the Supreme Court's nationwide ban came into force.

Kemerovo: Raids, criminal investigations

In Kemerovo, law enforcement agents raided 12 homes of Jehovah's Witnesses on the evening of 23 January. In some cases, according to Jehovah's Witnesses, armed and masked riot police forced their way inside and made people stand against the wall or lie face-down on the floor. The Investigative Committee of Kemerovo Region led the operation, supported by the police and SOBR. At least ten officers appeared to have been assigned to search each household.

Officers denied the Jehovah's Witnesses' requests to make phone calls or summon a lawyer, Jehovah's Witnesses stated one 9 February. Senior anti-extremism police officer Stanislav Shlagov allegedly responded to one such request by saying "We are not in America". Those whose homes were searched included elderly people, who were "in shock" and whose chronic health problems have been exacerbated by the experience.

Investigators confiscated phones, tablets, computers and computer drives, and personal belongings.

The raids were approved by Kemerovo's Central District Court. According to Investigative Committee Colonel Oksana Rybalkina's request to the court, seen by the Jehovah's Witnesses, 14 people are suspected of "continuing the activities" of Jehovah's Witnesses.

The Investigative Committee opened a case 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"), on 19 January, although it remains unclear how many people are now under investigation.

Jehovah's Witnesses have submitted 11 appeals to Kemerovo Regional Court against Central District Court's granting of permission for the house searches.

The Kemerovo Investigative Committee issued a statement on 1 February, claiming that the group "met regularly .. professed and disseminated their beliefs, including [through] preaching in public places and on residential premises, promoted the activity of a banned organisation, distributed associated literature .. and collected money for the carrying out of further illegal activity".

The books and sermons seized in the raids allegedly contained "statements that humiliate human dignity on the basis of attitude to religion, elements of propaganda of the exclusivity of one religion over another", it also claimed.

Investigators are checking whether the confiscated literature is on the Federal List of Extremist Materials, the statement adds. They will also initiate "expert analyses" "which will determine the roles of the members of the prohibited association".

When Forum 18 asked the Investigative Committee's Kemerovo Region branch exactly how many people are under criminal investigation, whether any of them are in detention or under house arrest, and why they were considered so dangerous that armed force was deemed necessary, spokeswoman Nadezhda Ananyeva directed Forum 18 to the Committee's federal-level office in Moscow.

Forum 18 submitted the same questions to the Moscow press office on 15 February, but has received no response by the end of the Moscow working day on 20 February.

Jehovah's Witnesses insist that they retain the right to practise their faith, despite the liquidation of the Administrative Centre and the prohibition on its activities.

The Supreme Court decision "prohibits citizens from acting on behalf of the legal entity, making deals, for example, transporting literature across the border on behalf of the religious organisation, [or] concluding rental contracts for premises where believers meet", Jehovah's Witness spokesperson Yaroslav Sivulsky told Open Russia's mbk.media news website on 11 February, "but it does not prohibit them from gathering on any premises, from praying, or from talking about various topics".

Sivulsky added: "According to the Constitution, nobody can forbid citizens from visiting each other and praying to God, they cannot

prohibit meetings in flats. And they were waiting for [the Belgorod Jehovah's Witnesses] outside their apartment doors, they detained them and took them away for interrogation, although the believers were acting within the law".

Prokhladny: Trial continues

The trial of seventy-year-old Jehovah's Witness elder Arkadya Akopovich Akopyan is continuing at Prokhladny District Court in the Republic of Kabardino-Balkariya. He has undergone four hearings before Judge Oleg Golovashko so far in 2018, according to court records, with the latest on 20 February. His case is not directly related to the nationwide ban on Jehovah's Witnesses.

Akopyan stands accused of giving sermons which "degraded the dignity" of Orthodox and Muslim clergy. He is also accused of condoning Pussy Riot's demonstration in the Cathedral of Christ the Saviour in Moscow in 2012 (see F18News 15 October 2012 http://www.forum18.org/archive.php?article_id=1754). Prosecutors also claim that he distributed banned "extremist" literature among his congregation.

The charges, 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"), are based on the testimony of five witnesses who are not members of the Jehovah's Witnesses. They claim that they distributed Jehovah's Witness literature on Akopyan's instructions and that Akopyan had criticised other religions in a sermon (see F18News 23 June 2017 http://www.forum18.org/archive.php?article_id=2290).

Akopyan has appealed to the Investigative Committee to investigate these witnesses for false testimony, but his request has not yet been considered.

Jehovah's Witnesses argue that being asked to distribute any literature after attending only a few meetings (as the five witnesses claimed) is "improbable in and of itself".

During the presentation of evidence by the defence, Akopyan's lawyers insisted that he did not make the speech of which he is accused.

Jehovah's Witnesses stated on 1 February that they submitted to the court mobile phone data which show that the alleged witnesses were nowhere near the building used for Jehovah's Witness worship on the date in question.

Prosecutors claimed that worshippers were not allowed to bring phones to services, but according to Jehovah's Witnesses, "there is no ban on mobile phones", adding that "believers brought phones with them to worship and even broadcast the spiritual programme for those who were ill".

Akopyan's defence team also pointed out that the prosecution witnesses incorrectly described the internal layout of the building and composition of the religious groups which held services there, and presented multiple witness statements of their own, which attested that those five people had never been present at worship.

Akopyan's wife, Sonya Akopyan, who is not a Jehovah's Witness, also testified that her husband had never tried to force his religion on her or their children in the 25 years since he had converted.

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.

Akopyan remains under travel restrictions, but has not been placed on the Rosfinmonitoring list of terrorists and extremists as of 20 February.

Oryol: Christensen's trial begins

Danish Jehovah's Witness Dennis Ole Christensen (born 18 December 1972) has made his first appearance at Oryol's Railway District Court on charges of "organising the activities of a banned extremist organisation" (Criminal Code Article 282.2, Part 1).

His preliminary hearing took place before Judge Aleksei Rudnev on 19 February, and was adjourned until 21 February, according to the court website. Defence lawyers are applying to have some "inadmissible evidence" excluded from the case, Jehovah's Witnesses stated on 19 February.

Before trial, Christensen was permitted to acquaint himself with the case against him. The time he was allowed for this was, limited by court order to end on 25 December 2017, Jehovah's Witnesses stated on 19 December. The only reason FSB security service investigators gave for making this request to the court was Christensen's use of an interpreter in reviewing the case materials, which comprise about 2,500 pages in eleven volumes.

Police and FSB security service operatives arrested Christensen at a Bible study meeting on 25 May 2017. Video footage posted online by local news site Orlovskiy Novosti shows armed personnel in body armour and balaclavas, accompanied by others in civilian clothes, entering a Kingdom Hall. The congregation inside was prevented from leaving while officers searched the building. Interrogations and searches of people's homes continued into the following morning, Jehovah's Witnesses reported (see F18News 22 June 2017 http://www.forum18.org/archive.php?article_id=2290).

Jehovah's Witnesses stated that Christensen, who is married to a Russian citizen and works in construction, is in Oryol for personal reasons, "not at the invitation of any organisation".

The registered Oryol Jehovah's Witness community was ruled "extremist" and ordered liquidated in June 2016. 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.

Christensen has not been added to the Rosfinmonitoring list of "terrorists and extremists" as of 20 February.

On 4 September 2017 the European Court of Human Rights in Strasbourg (ECtHR) sent questions on Christensen's case (Application No. 39417/17) to all the parties involved, including the Russian government (see F18News 7 November 2017 http://www.forum18.org/archive.php?article_id=2332). These related to whether his arrest and detention breached Articles 5 ("Right to liberty and security"), 9 ("Freedom of thought, conscience and religion"), and 14 ("Prohibition of discrimination") of the European Convention on Human Rights and Fundamental Freedoms (see <http://hudoc.echr.coe.int/eng?i=001-177365>). The ECtHR confirmed to Forum 18 that Russia did answer these questions by the deadline for replies of 19 January 2018.

Oryol: New criminal investigation

The Oryol Region Investigative Committee has announced that it has opened another case against a Jehovah's Witness in Oryol, this time under Criminal Code Article 282.2, Part 2 ("Participation in the activities of a banned extremist organisation").

According to the 20 February statement, the accused person "took part in the holding of a religious gathering of [Jehovah's Witnesses], where he made a public speech containing propaganda of the banned organisation". Investigators are now engaged in "establishing all the circumstances of the crime committed", the statement concludes.

This case also appears to be derived from Oryol Regional Court's ban on the local Jehovah's Witness community, rather than the nationwide liquidation, as the alleged offence took place on 26 February 2017, according to the Investigative Committee. (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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