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## **RUSSIA: Criminal prosecutions of 50+ Jehovah's Witnesses**

By Victoria Arnold, Forum 18

*Prosecutors are investigating at least 50 Jehovah's Witnesses in 16 Russian regions on "extremism" criminal charges. Of these, 21 men and 1 woman are known to be in detention, with 3 more under house arrest and 27 under travel restrictions. If convicted, they could receive lengthy jail terms.*

More than 50 Jehovah's Witnesses are now facing criminal prosecution for exercising their right to freedom of religion and belief. Law enforcement agencies carried out yet more armed raids, searches, and arrests in a further five Russian regions in June and early July, bringing to 22 the number of people now in detention. Another three are under house arrest and 27 under travel restrictions.

The most recent arrests include Anastasiya Polyakova in Omsk, the first woman known to have been placed in pre-trial detention (although several others had already been charged or named as suspects and put under travel restrictions) (see below).

(For a full list of those facing criminal prosecution, see F18News 12 July 2018 [http://www.forum18.org/archive.php?article\\_id=2395](http://www.forum18.org/archive.php?article_id=2395).)

For exercising their right to freedom of religion and belief, the Jehovah's Witnesses stand accused of continuing the activities of their national-level Administrative Centre and the local communities which it oversaw. All of these were outlawed as "extremist" by Supreme Court rulings of 20 April and 17 July 2017 (see F18News 18 July 2017 [http://www.forum18.org/archive.php?article\\_id=2297](http://www.forum18.org/archive.php?article_id=2297)).

International human rights law, however, allows anyone to meet to exercise freedom of religion and belief without state permission (see the OSCE/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (see <http://www.osce.org/odihr/139046>). Russia is both an OSCE participating State and a Venice Commission member state.

Criminal investigations resulting from the 2017 ban are now underway in 16 regions – Republic of Bashkortostan, Belgorod, Ivanovo, Jewish Autonomous Region, Krasnoyarsk, Magadan, Murmansk, Omsk, Orenburg, Perm, Primorye, Pskov, Republic of Sakha-Yakutiya, Saratov, Republic of Tatarstan, and Tomsk.

The prosecutions come despite the judges' insistence when they issued the ruling that it "does not amount to prohibition of the religion of Jehovah's Witnesses as such", and that the Russian government has twice claimed that the ban "does not contain a restriction or prohibition on individual profession of [Jehovah's Witness] teachings" (see F18News 23 April 2018 [http://www.forum18.org/archive.php?article\\_id=2372](http://www.forum18.org/archive.php?article_id=2372)).

Muslims also targeted

Muslim readers of works by theologian Said Nursi are also targeted by "anti-extremism" raids, prosecutions and jailings. Typically, such Muslims meet in private homes to study Islam, with one or more expounding Nursi's works. They also pray, eat, and drink tea together, and do not seek state permission to meet. Continuing a pattern of jailings re-started in 2017, in May 2018 Ilgar Aliyev was jailed for eight years, the longest known prison term for studying Nursi's works (see F18News 2 July 2018 [http://www.forum18.org/archive.php?article\\_id=2391](http://www.forum18.org/archive.php?article_id=2391)).

In June, Imam Komil Odilov was jailed for two years for the same "crime". Six Muslim men are known to be currently in prison – or in custody with appeals pending – having been found guilty of involvement in meetings to read Nursi's works (see F18News 8 June 2018 [http://www.forum18.org/archive.php?article\\_id=2386](http://www.forum18.org/archive.php?article_id=2386)).

Protests

On 21 June, the Presidential Council on Human Rights asked Russia's General Prosecutor's Office to examine the legality of the Supreme Court's ban on Jehovah's Witness organisations.

The wives of some of the men in pre-trial detention had written to the Council on 7 June, asking "how many more dozens, hundreds, thousands of prisoners of conscience are needed in order to end this unjust criminal prosecution of people for their faith in God?" and claiming that "Against a whole religion, one of the largest Christian denominations in Russia, a real terror has now been unleashed".

More than 60 Russian human rights activists, lawyers, and journalists also published a statement on 19 June. "The persecution of Jehovah's Witnesses shows the inconsistency of anti-extremist legislation in general," they argued. "If society does not protect the Jehovah's Witnesses, if their rights are not restored, this will mean that everyone can be declared an extremist." Their statement ends by calling for the release of all detainees and the overturning of the Supreme Court's ban.

Lengthy prison terms, bank accounts blocked

Investigators have opened criminal cases against these Jehovah's Witnesses 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") or 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"), and in a few instances under Article 282.3 Part 1 ("Financing of extremist activity"). If convicted, they could receive lengthy prison sentences or heavy fines (see Forum 18's Russia "extremism" religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2215](http://www.forum18.org/archive.php?article_id=2215)). It is unknown when any of their cases will come to court.

The Jehovah's Witnesses under investigation are also now starting to appear on the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose accounts banks are obliged to freeze (see Forum 18's Russia "extremism" religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2215](http://www.forum18.org/archive.php?article_id=2215)).

Gennady Shpakovsky from Pskov and Alam Aliyev from Birobidzhan were added to the List on 6 July, Anatoly Vilitkevich from Ufa on an unknown date, and Sergei Skrynnikov on 27 March.

Typically, law enforcement operatives from a variety of agencies, including armed men in masks and body armour, arrive at Jehovah's Witnesses' homes usually late at night or early in the morning. The occupants are sometimes made to lie on the floor or face the wall while the officers search their flats and houses. Officers then confiscate a similar range of possessions – electronic devices, bank cards, personal photographs, and books – and take the Jehovah's Witnesses, including children and the elderly, to a police station or Investigative Committee office for questioning (see eg. F18News 6 June 2018 [http://www.forum18.org/archive.php?article\\_id=2385](http://www.forum18.org/archive.php?article_id=2385)).

Interrogations can last several hours, after which most people are released (some under travel restrictions). Others are kept in temporary detention until investigators decide whether to apply to a court for longer-term restrictive measures – they must do this within 48 hours of the initial detention (see eg. F18News 6 June 2018 [http://www.forum18.org/archive.php?article\\_id=2385](http://www.forum18.org/archive.php?article_id=2385)).

A judge must then decide whether to grant an investigator's request to place an individual in detention or under house arrest. An initial period of detention/house arrest lasts for two months from the date the criminal case was opened (usually on or shortly before the date of the raid) – towards the end of this period, investigators must return to court if they wish to seek an extension. Detainees may appeal to a higher court to have these restrictive measures lifted or reduced (see eg. F18News 6 June 2018 [http://www.forum18.org/archive.php?article\\_id=2385](http://www.forum18.org/archive.php?article_id=2385)).

A new law signed by President Vladimir Putin on 3 July stipulates that one day in pre-trial detention now counts as one and half days in a correctional colony after sentencing (it will be applied retroactively). Previously, custodial sentences were reduced by exactly the length of time a person had served in pre-trial custody.

Conditions for the Jehovah's Witnesses in detention are "more or less fine, no different from those of other detainees", Jehovah's Witness spokesman Yaroslav Sivulsky told Forum 18 on 10 July. They are allowed to have Bibles, he added, although only in the Synodal version. The Jehovah's Witnesses New World version is banned as "extremist" (see F18News 29 September 2017 [http://www.forum18.org/archive.php?article\\_id=2319](http://www.forum18.org/archive.php?article_id=2319)).

On the whole, the Jehovah's Witness detainees have reported good relations with prison staff. According to Sivulsky, some guards have even asked "Why are you here? Have they really started jailing people for reading the Bible?"

Forum 18 wrote to the Investigative Committee's federal-level press office before the start of the Moscow working day on 10 July, asking why the use of armed force is deemed necessary and whether Jehovah's Witnesses are allowed religious literature in detention. No reply has been received as of the end of the Moscow working day on 11 July.

Two criminal trials already underway

Two Jehovah's Witnesses are already on trial for alleged "extremism" offences which took place before the nationwide ban came

into force (see F18News 27 April 2018 [http://www.forum18.org/archive.php?article\\_id=2373](http://www.forum18.org/archive.php?article_id=2373)).

The registered Jehovah's Witness organisation in Oryol was ruled "extremist" and ordered liquidated in June 2016 (see F18News 15 February 2017 [http://www.forum18.org/archive.php?article\\_id=2256](http://www.forum18.org/archive.php?article_id=2256)). Dennis Ole 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 (see F18News 18 July 2017 [http://www.forum18.org/archive.php?article\\_id=2297](http://www.forum18.org/archive.php?article_id=2297)).

Prosecutors accuse Christensen of "continuing the activities" of the banned and liquidated Oryol Jehovah's Witness community, and have 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") (see F18News 20 February 2018 [http://www.forum18.org/archive.php?article\\_id=2355](http://www.forum18.org/archive.php?article_id=2355)).

Christensen has appeared 23 times at Oryol's Railway District Court, most recently on 9 July.

Arkadya Akopovich Akopyan has undergone 19 hearings (the latest on 3 July) at Prokhladny District Court in Kabardino-Balkariya. He is 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") (see F18News 20 February 2018 [http://www.forum18.org/archive.php?article\\_id=2355](http://www.forum18.org/archive.php?article_id=2355)).

Prosecutors accuse Akopyan of giving sermons which "degraded the dignity" of Orthodox and Muslim clergy, condoning Pussy Riot's demonstration in Moscow's Cathedral of Christ the Saviour in 2012, and giving banned "extremist" literature to his community.

The case against Akopyan is based on the testimony of five witnesses who are not members of the Jehovah's Witnesses, but who claim to have attended meetings at which they heard the allegedly "extremist" sermons and were given banned texts to distribute. This is despite the fact that their mobile phone records show that they were nowhere near the Jehovah's Witnesses' building at the times in question, defence lawyers have claimed (see F18News 27 April 2018 [http://www.forum18.org/archive.php?article\\_id=2373](http://www.forum18.org/archive.php?article_id=2373)).

Another man charged with alleged offences from before the Supreme Court ruling – Yury Zalipayev – will soon appear in court in Maysky, also in Kabardino-Balkariya (see below).

#### Omsk raid

The Omsk Region Investigative Committee carried out simultaneous raids on four homes on 4 July at 7am. They continued searching houses, gardens, outbuildings, and cars until 3pm that day, and confiscated all electronic devices and drives. Officers took away Anastasiya Andreyevna Polyakova (born 25 May 1984) and her husband Sergei Valeryevich Polyakov (born 28 April 1972), and had them put in pre-trial detention on 6 July by order of Azovo District Court. Their initial release date is unknown, but is likely to be no later than 4 September, Forum 18 notes.

The investigators left the Polyakovs' front door broken in, the [jw-russia.org](http://www.jw-russia.org) website stated on 6 July, and nobody was able to contact the couple for two days.

Anastasiya Polyakova is the first Jehovah's Witness woman to be held in pre-trial detention. Investigators have now charged her and Sergei 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"), the [jw-russia.org](http://www.jw-russia.org) website added on 10 July.

Neither Anastasiya nor Sergei was among the founding members of Omsk's former Jehovah's Witness community, according to federal tax records. Neither yet appears on the Rosfinmonitoring "List of Terrorists and Extremists". The Polyakovs' prison address is:

644007 Omsk

ulitsa Ordzhonikidze 86

Investigation Prison No. 1

No criminal cases are known to have been opened against any other Jehovah's Witnesses else in Omsk Region.

Krasnoyarsk airport arrest

FSB security service officers arrested Andrei Garafetanovich Stupnikov (born 17 September 1973) at 4.20am on 3 July as he and his wife were checking in for a flight at Krasnoyarsk airport.

The following day, 4 July, Judge Marina Belova of the city's Railway District Court ordered Stupnikov to be placed in pre-trial detention until 2 September. According to the jw-org website, investigators indicated at the hearing that Stupnikov had been planning to attend the Jehovah's Witnesses' international congress in Germany; the judge agreed that he "could claim political asylum [in Germany], knowing he was subject to criminal prosecution", and therefore decided he should be kept in custody.

Investigators have opened a criminal case against Stupnikov 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 "), but he remains a suspect and has not yet been formally charged. No criminal case is known to have been opened against Stupnikov's wife or any other Jehovah's Witnesses in Krasnoyarsk Region.

Stupnikov's name has not been added to the Rosfinmonitoring "List of Terrorists and Extremists". Forum 18 thinks Stupnikov's prison address is:

660075 Krasnoyarsk

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