

6 February 2019

RUSSIA: "6-year jail sentence for believing in God"

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

After 74 hearings over one year, an Oryol court jailed Jehovah's Witness Dennis Christensen for six years for organising a "banned extremist organisation", the first Jehovah's Witness in post-Soviet Russia sentenced to imprisonment. "We will continue to fight for justice through the courts," his wife Irina told Forum 18.

Danish citizen Dennis Ole Christensen has become the first Jehovah's Witness in post-Soviet Russia to be sentenced to imprisonment for exercising his right to freedom of religion and belief.

On 6 February, after a trial lasting nearly twelve months, Judge Aleksei Rudnev of Railway District Court in the town of Oryol (south of Moscow) found Christensen guilty of "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). The judge jailed him for six years in a labour camp ("general-regime correctional colony").

"It is terrible, a 6-year jail sentence for believing in God," his wife Irina Christensen commented to Forum 18. "I couldn't believe that such a thing could happen in Russia."

Judge Rudnev agreed with the prosecution that the 46-year-old Christensen "used his authority as a spiritual leader" and "ensured the work of the organisation [continued], knowing of its prohibition".

Prisoner of conscience Christensen and his lawyers had argued that he had held no leadership position, that Jehovah's Witnesses in Oryol retained the right to practise their faith despite the liquidation of their registered community, and that Jehovah's Witnesses had never engaged in "extremist activity", either before or after the ban.

The judge considered that there were "mitigating circumstances" in the case, Railway District Court's press department said in a statement on its website on 6 February, and therefore decided to impose the minimum prison term. (The maximum term under Criminal Code Article 282.2, Part 1, is 10 years.) Christensen will not be barred from any jobs or activities or be subject to any restrictions on freedom after his release, the statement added.

Criminal Code Article 282.2 punishes under Part 1 "Organisation of" or under 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". (http://www.forum18.org/Archive.php?article_id=2215)

Forum 18 called Oryol Regional Prosecutor's Office on 6 February to ask why it had sought a jail sentence and in what way Christensen could be considered dangerous. Officials refused to put Forum 18 through to Ivan Fomin in the Investigation Department, who had led the prosecution in court. "All communications must go through the press service," officials told Forum 18.

The head of the Prosecutor's Office press service, Tatyana Tsukanova, insisted that the court had taken the decision on Christensen and that "The decision was in accordance with the law". She said she would respond to Forum 18's written questions, sent in the afternoon of 6 February, once "the leadership" had agreed a response.

Christensen has already spent 622 days in pre-trial detention. One day in pre-trial detention is taken as equivalent to a day and half in a labour camp. Should his sentence enter legal force, he is therefore likely to serve about three years and five months.

Once he receives a copy in writing, Christensen will have ten days to challenge the judge's decision, and his lawyers are already preparing an appeal, Jehovah's Witnesses say. "We will continue to fight for justice through the courts, right up to the European Court of Human Rights," his wife Irina Christensen told Forum 18 from Oryol on 6 February. "The fight has only just begun."

"Stupid and insane"

Ivan Fomin of the Prosecutors' Office, who led the prosecution case at Christensen's trial, had asked the court on 23 January for a sentence of six and a half years' imprisonment.

In his final statement before the court on 30 January, prisoner of conscience Christensen expressed his disbelief. "Six and a half years because I am an honest person who respects the laws of the country. Six and a half years because I am a believer who loves his neighbour as himself...Six and a half years because I am a Jehovah's Witness, who loves the Russian people. For the fact that I have paid taxes and am an officially registered entrepreneur. For the fact that I have never committed any criminal acts. Six and a half years because I regularly took part in cleaning up the town. Because I love Russia and its culture. For observing and using Article 28 of the Russian Constitution. Six and a half years for nothing! This is certainly unjust. Conversely, it is absolutely stupid and insane."

"The sentence causes only great regret," Jehovah's Witness spokesperson Yaroslav Sivulsky commented after the 90-minute final hearing. "They have convicted a man who has committed no crime. It is sad that in Russia it has again become a crime to read the Bible, to keep its commandments, and to talk about your faith with other people."

Russian human rights group Memorial recognised Christensen as a political prisoner in July 2017, and demanded "an immediate end" to his prosecution and that of other Jehovah's Witnesses.

More than 60 Russian human rights defenders, lawyers and journalists (including the late Lyudmila Alekseyeva, the then chair of the Moscow Helsinki Group, and Sergei Krivenko and Nataliya Yevdokimova, members of the Presidential Council on Human Rights) also called for an end to prosecutions of Jehovah's Witnesses.

"The persecution of Jehovah's Witnesses shows the inconsistency of anti-extremist legislation in general," the human rights defenders argued in a 19 June 2018 statement. "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.

The Oryol court issued its guilty verdict despite President Vladimir Putin's remarks in December 2018 that the inclusion of the Jehovah's Witnesses among extremist organisations was "utter nonsense" and that "Jehovah's Witnesses are also Christians. I do not really understand what they are being persecuted for".

A spokesperson for President Putin told the BBC on 6 February 2019 that there must have been "some other reason" for Christensen's prosecution, apart from his being a practising Jehovah's Witness.

Christensen to remain in detention

While the appeal is pending, the verdict will not come into force, and Christensen will remain at Oryol's Investigation Prison No. 1, where he has already spent 622 days.

Christensen has access to a Bible, prison officials have claimed to Forum 18, and Danish Embassy staff previously reported that he is in good health and has not been mistreated. Irina Christensen explained to Forum 18 that her husband shares his cell with three other people, must wash his own clothes, and receives three meals a day, mostly porridge and soup.

Christensen's current prison address is:

302040 Oryol

ulitsa Krasnoarmeyskaya 10

Sledstvenny Izolyator No. 1

Muslim prisoners of conscience also

Muslim readers of works by the late Turkish theologian Said Nursi are also prosecuted under "anti-extremism" legislation and have frequently been imprisoned or fined for involvement in the alleged banned "extremist" organisation "Nurdzhular", which Muslims in Russia deny exists. Typically, such Muslims meet in private homes to study Islam, with one or more expounding on Nursi's works. They also pray, eat, and drink tea together, and do not seek state permission to meet.
(http://www.forum18.org/archive.php?article_id=2215)

Between June 2017 and July 2018, six Muslim men were jailed for periods of between two and eight years for meeting together to study Nursi's works. All were convicted under Criminal Code Article 282.2, Part 1 ("Organisation of"), 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"). Three have begun serving their jail sentences (one of them of eight years), one received a suspended sentence, and two received fines.

(http://www.forum18.org/archive.php?article_id=2426)

The prisoners of conscience jailed in labour camps ("correctional colonies") are:

1) Yevgeny Lvovich Kim, jailed by a Blagoveshchensk court for three years and nine months in June 2017 (http://www.forum18.org/archive.php?article_id=2290);

2, 3, 4) Ziyavdin Badirsoltanovich Dapayev, jailed for four years, and brothers Sukhrab Abdulgamidovich Kaltuyev and Artur Abdulgamidovich Kaltuyev, jailed for three years each, by a Makhachkala court in November 2017 (http://www.forum18.org/archive.php?article_id=2339);

5) Ilgar Vagif-ogly Aliyev, jailed by Izberbash court for eight years in June 2018 (http://www.forum18.org/archive.php?article_id=2386);

6) Imam Komil Olimovich Odilov, jailed by a Novosibirsk court for two years in June 2018. (http://www.forum18.org/archive.php?article_id=2391)

All six prisoners of conscience are also on the Rosfinmonitoring "List of Terrorists and Extremists", whose assets banks are obliged to freeze (although small transactions are permitted). (http://www.forum18.org/archive.php?article_id=2215) Aliyev's name was added on 30 August 2018, a month after his unsuccessful appeal against his conviction.

Two further Muslims accused of alleged involvement in "Nurdzhular" also face trials (http://www.forum18.org/archive.php?article_id=2453).

A precedent?

Speaking to the court on 23 January, prisoner of conscience Christensen's defence lawyer Anton Bogdanov highlighted the "exceptional importance" of the impending judgment for other Jehovah's Witnesses in Russia, "not only for those who have already faced prosecution, but for those who may still face it". The decision, he said, would be "a kind of precedent, on which investigative staff, the prosecutor's office, and other judges will rely, in similar cases, where people are also tried for their faith".

Since January 2018, state agencies have carried out hundreds of raids on Jehovah's Witness homes in at least 29 regions of Russia, as a direct consequence of the Supreme Court's nationwide ban on Jehovah's Witness activities. These have resulted in the arrest and interrogation of hundreds of people and the charging of many of them 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") (http://www.forum18.org/Archive.php?article_id=2215).

At present, a total of 111 are known to be the subjects of criminal cases. Eighteen are in pre-trial detention, 29 are under house arrest, and 42 under travel restrictions. Two have been ordered detained but their whereabouts are unknown. A further four have been placed under specific restrictions (e.g. not being allowed out at night), and seven are believed to be under no restrictions. Jehovah's Witnesses believe that three of these cases may come to trial soon, spokesperson Yaroslav Sivulsky told Forum 18 on 30 January.

Raids and prosecutions are also taking place in Crimea, which Russia annexed in 2014. (http://www.forum18.org/archive.php?article_id=2444)

Background

In 2017 Jehovah's Witnesses were banned nationwide as allegedly "extremist". This made any Jehovah's Witness exercising freedom of religion and belief liable to criminal prosecution. (http://www.forum18.org/archive.php?article_id=2297) As well as raids, detentions and criminal prosecutions, Jehovah's Witnesses also face the loss of property and other problems. (http://www.forum18.org/archive.php?article_id=2344)

Young Jehovah's Witness men have been denied their right to perform alternative civilian service rather than military service, and Jehovah's Witness employees have been fired or forced to resign from their jobs. (http://www.forum18.org/archive.php?article_id=2297) The children of Jehovah's Witnesses have also faced threats and bullying by the authorities. (http://www.forum18.org/archive.php?article_id=2282)

The registered Jehovah's Witness organisation in Oryol was earlier ruled "extremist" and ordered liquidated in June 2016 (http://www.forum18.org/archive.php?article_id=2256). 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. (http://www.forum18.org/archive.php?article_id=2297)

Christensen moved to Russia from Denmark in 1995 to work on the construction of the Jehovah's Witness Administrative Centre near St Petersburg. He later settled in Murmansk and married Irina, a Russian citizen. In 2006, he moved to Oryol, where he worked as a builder and carpenter.

Prisoner of conscience Christensen has been in detention since 25 May 2017, when police and FSB officers arrested him at a worship meeting and soon afterwards 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"). (http://www.forum18.org/archive.php?article_id=2282)

Video footage posted online by a local news outlet showed armed state officials, some in balaclavas and body armour, raiding a Kingdom Hall and searching the premises. FSB searches of Christensen's home and five other Jehovah's Witness households in Oryol followed his detention. (http://www.forum18.org/archive.php?article_id=2290) From May 2017 onwards Oryol courts denied repeated requests from Christensen's lawyers to have him transferred home under house arrest. (http://www.forum18.org/archive.php?article_id=2412)

On 27 March 2018, officials added Christensen's name to the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose accounts banks are obliged to freeze, apart from small transactions. (http://www.forum18.org/Archive.php?article_id=2215) Christensen's wife Irina told Forum 18 on 6 February 2019 that although his accounts had been blocked, hers had not.

If Christensen's jail sentence enters legal force, he will be first Jehovah's Witness to go to prison for exercising freedom of religion and belief since Soviet times (apart from some short-term jailings for refusing military conscription). The only other Jehovah's Witnesses to be tried so far under Criminal Code Article 282.2 – 16 people in Taganrog in 2015 – received fines (which were waived), with four also being given suspended sentences. (http://www.forum18.org/archive.php?article_id=2128)

Other "extremism" convictions

Two other Jehovah's Witnesses have been convicted in the first instance of "extremism"-related offences 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"): (http://www.forum18.org/Archive.php?article_id=2215)

- Aleksandr Kalistratov, whose sentence of community service under Article 282, Part 1, was overturned on appeal in 2011; (http://www.forum18.org/Archive.php?article_id=1653)

- and Arkadya Akopyan (see below).

Other Jehovah's Witnesses have faced trial under extremism articles of the Criminal Code, but have been acquitted or had their cases dropped.

Other Jehovah's Witness prosecutions

On 27 December 2018, Prokhladny District Court in Kabardino-Balkariya convicted 70-year-old Arkadya Akopovich Akopyan 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"). The court sentenced him to 120 hours of community service.

Prosecutors alleged that Akopyan gave sermons which "degraded the dignity" of Orthodox and Muslim clergy, condoned Pussy Riot's demonstration in Moscow's Cathedral of Christ the Saviour in 2012, and gave banned "extremist" literature to his congregation. (http://www.forum18.org/archive.php?article_id=2355)

Yury Viktorovich Zalipayev remains on trial at Maysky District Court, also in Kabardino-Balkariya, on a charge of "public calls for extremist activity" (Criminal Code Article 280, Part 1). Prosecutors dropped a second charge of "incitement of hatred or enmity" (Criminal Code Article 282, Part 1) on 22 January 2019. Zalipayev has made 16 appearances so far before Judge Yelena Kudryavtseva, the latest on 5 February 2019.

Prosecutors accuse Zalipayev of "inciting hatred towards Christian clergy" by allegedly giving his parishioners copies of a banned Jehovah's Witness magazine. (http://www.forum18.org/archive.php?article_id=2310)

Another Oryol Jehovah's Witness, Sergei Vladimirovich Skrynnikov, is also on trial at the city's Railway District Court. The case against him was opened shortly after Christensen's, and evidence against him has come from the FSB's investigation of Christensen.

He is currently under travel restrictions. (http://www.forum18.org/archive.php?article_id=2373) He has so far undergone 27 full hearings before Judge Gleb Noskov since early August 2018 – the next is due on 11 February 2019.

Prisoner of conscience Christensen's trial and conviction

Across 74 hearings between February 2018 and 30 January 2019, prosecutors portrayed Dennis Christensen as the "de facto leader" of Oryol's dissolved Jehovah's Witness congregation, on the grounds that he opened the gate at the Kingdom Hall, cleared snow from the grounds, greeted worshippers as they arrived, collected donations, and preached at services.

The court process revealed that the FSB security service, which was responsible for the investigation, had been observing Christensen for several months before his May 2017 arrest and had tapped his telephone. In their indictment, prosecutors claimed he was guilty of "anti-constitutional activity", "threatening the fundamentals of state security [and] the fundamentals of constitutional order", and "incitement to hatred".

Christensen agreed that he was an elder, but explained that "For Jehovah's Witnesses, this is not a position, but the way of life of a servant of God", and denied "convening meetings" and "organising" services. His lawyers pointed out that even the FSB officers who secretly attended and observed worship did not claim that Christensen was the person who oversaw the conduct of the services (making announcements, inviting speakers to the stage, etc.).

Christensen's name does not appear among the founder members of the former Oryol Jehovah's Witness community, according to federal tax records.

In October 2016, the Supreme Court upheld the ban on the Oryol community (http://www.forum18.org/archive.php?article_id=2256), insisting that "The rights of members of the Oryol local religious organisation of Jehovah's Witnesses to freedom of religion will not be violated, since they are not deprived of the possibility of carrying out independent religious activities not related to the distribution of religious literature of extremist content".

In his final statement on 23 January 2019, Christensen's lawyer Anton Bogdanov reminded the court of his earlier questioning of an FSB witness: "We asked him the question: 'Is it forbidden for Jehovah's Witnesses to get together and read the Bible in Oryol?' – 'No.' 'To spread their religious beliefs?' The answer was: 'No' .. Why then is a person on trial?"

In covertly recorded videos of two worship services from February 2017, submitted by the prosecution, the congregation discussed no extremist literature, and Christensen did not preach. A philologist appointed by investigators evaluated the sermons given as follows: "The themes .. are far from the sphere of practical action in which violence and aggression can be shown. The [sermons] address the field of spiritual search, moral self-improvement. [They] do not raise the question of opposition to any forces, except for the abstract opposition of good and evil, which is not associated with any specific groups of people. The ideology of non-violence is expressed in all the materials studied."

Investigators also engaged a religious expert to assess the footage. Defence lawyers noted that this expert was asked only two questions - "Representatives of which religion are carrying out activities on this videotape?" and "Are these activities collective?"

The defence also pointed out that none of the religious literature removed from the Kingdom Hall or Christensen's and others' homes, including the Jehovah's Witnesses' New World Bible, had been ruled "extremist" at the time of their seizure. The court decision banning the New World Bible, for instance, did not enter legal force until 20 December 2017.

Furthermore, the Kingdom Hall had a list of banned publications posted in its lobby "in order to comply with this prohibition [on dozens of Jehovah's Witness titles] and [ensure] that these publications were not brought to services", as lawyer Anton Bogdanov pointed out. When questioned in court, witnesses (including those for the prosecution) confirmed that such material was not used or discussed at worship. (END)

Full reports on freedom of thought, conscience and belief in Russia
(<http://www.forum18.org/Archive.php?query=&religion=all&country=10>)

For more background see Forum 18's survey of the general state of freedom of religion and belief in Russia (http://www.forum18.org/archive.php?article_id=2246), as well as Forum 18's survey of the dramatic decline in this freedom related to Russia's Extremism Law (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
(http://www.forum18.org/Archive.php?article_id=1468)

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

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