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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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RUSSIA: Second Oryol Jehovah's Witness appeal

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

The appeal by Oryol Jehovah's Witness Sergei Skrynnikov against a fine of about 18 months' average local wages is due on 13 June at the same court which rejected Dennis Christensen's appeal. At least 189 Jehovah's Witnesses are facing criminal prosecution across Russia. Among them are seven men tortured in Surgut in February.

The appeal of a second Jehovah's Witness convicted in the Russian city of Oryol for allegedly continuing the activities of the banned local Jehovah's Witness community is due to be heard at the Regional Court on 13 June. Sergei Skrynnikov is appealing against his 1 April conviction by an Oryol court for participation in a "banned extremist organisation" and a fine of about a year and a half's average local wages.

Like many other individuals convicted or suspected of "extremism"-related crimes to punish them for exercising freedom of religion or belief, Skrynnikov has also had his bank accounts blocked (see below).

On 23 May, the same Regional Court upheld the six-year prison term on fellow Jehovah's Witness Dennis Christensen. He is now considering an appeal to the European Court of Human Rights (ECtHR) in Strasbourg, his wife Irina told Forum 18. (http://www.forum18.org/archive.php?article_id=2479)

Skrynnikov was initially investigated alongside Christensen, using information from the FSB security service investigation into Christensen, but investigators opened a separate case against him in March 2018 (see below).

Oryol Jehovah's Witness ban, then nationwide ban

Oryol Regional Court declared "extremist" and liquidated Oryol's Jehovah's Witness community in June 2016. Russia's Supreme Court rejected the community's appeal in October 2016. (http://www.forum18.org/archive.php?article_id=2228)

In 2017 Jehovah's Witnesses were banned nationwide as allegedly "extremist" and all their communities were ordered to be liquidated. 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).

The 25th hearing in the criminal trial of another Jehovah's Witness, Yury Zalipayev, in the North Caucasus is due on 3 June. He faces a maximum four-year jail term if convicted of "public calls for extremist activity" (see below).

Torture, armed raids on Jehovah's Witness homes continue

Seven Jehovah's Witnesses were tortured at the Investigative Committee building in Surgut (Khanty-Mansi Autonomous Region) after their 15 February arrest. "Agents put a bag over the victims' heads, sealed it with tape, tied their hands behind their backs, and beat them," Jehovah's Witnesses stated. "Then, after stripping the Witnesses naked and dousing them with water, the agents shocked them with stun guns. This sadistic torture lasted for about two hours." The men have lodged an appeal to the European Court of Human Rights (see below).

Armed raids on Jehovah's Witness homes have continued across Russia. The seven men in Surgut are among at least 189 Jehovah's Witnesses known to be facing criminal prosecution for exercising their right to freedom of religion or belief. (For full list, see here (http://www.forum18.org/archive.php?article_id=2482).) Of these, 28 are known to be in pre-trial detention (three women, 25 men), another 28 under house arrest (four women, 24 men) and 73 under travel restrictions (see below).

Muslim made stateless and ordered deported after labour camp term

Muslims who study the works of the late Muslim theologian Said Nursi face similar "extremism"-related prosecutions. In what appears to be a first, Yevgeny Kim, arrested in 2015 and convicted in 2017 for meeting with others to study Nursi's books, was deprived of his Russian citizenship, leaving him stateless, and on 10 April 2019 – the day he completed his prison term – was fined

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and ordered deported to his country of birth. (http://www.forum18.org/archive.php?article_id=2478)

Oryol conviction, large fine

After 35 hearings over eight months, another Jehovah's Witness from Oryol, Sergei Vladimirovich Skrynnikov (born 30 October 1962), was found guilty of "extremist activity" at the city's Railway District Court on 1 April.

Judge Gleb Noskov handed him a fine of 350,000 Roubles under Criminal Code Article 282.2, Part 2 ("Participation in a banned extremist organisation") for allegedly continuing the activities of the Oryol Jehovah's Witness community, banned as "extremist" in 2016. The fine represents about a year and a half's average wage in Oryol for those in formal work.

Skrynnikov was initially investigated alongside Dennis Christensen, but investigators opened a separate criminal case against him in March 2018. The evidence against him came from the FSB security service's investigation of Christensen. (http://www.forum18.org/archive.php?article_id=2373)

According to an Investigative Committee statement of 20 February 2018, Skrynnikov was accused of attending a Jehovah's Witness meeting at which he made "a public speech containing propaganda of the banned organisation".

Under Criminal Code Article 282.2, Part 2, Skrynnikov could have received a fine of up to 600,000 Roubles, compulsory labour for up to four years, or a prison term of two to six years.

Skrynnikov lodged an appeal against his conviction on 9 April 2019. This is due to be considered at Oryol Regional Court on 13 June, Jehovah's Witnesses told Forum 18.

Skrynnikov has been under travel restrictions since 13 March 2018. On 27 March 2018, investigators had his name added to the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose accounts banks are obliged to freeze, apart from small transactions.

Ongoing trial in North Caucasus

The criminal trial of Yury Viktorovich Zalipayev (born 8 October 1962) at Maysky District Court (Republic of Kabardino-Balkariya) continued throughout April with the questioning of defence witnesses, and into May with the examination of audio recordings of religious meetings in which Zalipayev participated. Jehovah's Witnesses say that there was no evidence in these recordings of any expressions of religious hatred.

Judge Yelena Kudryavtseva has also examined the phone records of prosecution witnesses, which, Jehovah's Witnesses state, suggest that they "acted under the direction" of an FSB security service officer and only attended religious meetings on his instructions.

Zalipayev has undergone 24 hearings so far, with the next due on 3 June 2019.

Zalipayev remains accused of "Public calls for extremist activity" (Criminal Code Article 280, Part 1), which carries a maximum punishment of four years' imprisonment plus a ban on specific activity.

Zalipayev has already been acquitted 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") in connection with the partial decriminalisation of this offence.

Although prosecutors had themselves requested that the Criminal Code Article 282, Part 1 charge be dropped, they still appealed against the judge's decision to recognise Zalipayev's right to rehabilitation and compensation. The Supreme Court of Kabardino-Balkariya, however, upheld the lower court's ruling on 15 March 2019.

Zalipayev remains under travel restrictions, but his name has not been added to the Rosfinmonitoring "List of Terrorists and Extremists".

Torture in Surgut

Seven Jehovah's Witnesses have stated that they were tortured at the Investigative Committee building in Surgut (Khanty-Mansi Autonomous Region) after being arrested on 15 February.

When they refused to give any information on fellow believers, investigators subjected them to electric shocks, beatings, and attempted suffocation. Investigators continued to question them throughout: "Where are Jehovah's Witness meetings held? Who attends the meetings? What are the elders' names? What is your mobile phone password?"

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According to the jw-russia website, after the only legal representative in the room left, "Agents put a bag over the victims' heads, sealed it with tape, tied their hands behind their backs, and beat them," Jehovah's Witnesses stated. "Then, after stripping the Witnesses naked and dousing them with water, the agents shocked them with stun guns. This sadistic torture lasted for about two hours."

All those who state they were tortured have now been released from detention. They have had their injuries documented by doctors, and are seeking redress for their treatment.

The United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Russia (as the Soviet Union) ratified in 1987, defines torture as: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

Under Article 6 of the Convention, Russia is obliged to arrest any person suspected on good grounds of having committed torture. Under Article 4, Russia is obliged to try them under criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature". No such arrests or prosecutions of the torturers, or those who facilitated the torture, are known to have happened.

Similarly, no arrests or prosecutions of the officials who tortured Muslim prisoner of conscience Yevgeny Kim, or those who facilitated this (http://www.forum18.org/archive.php?article_id=2332), are known to have happened. However, Kim himself was deprived of his Russian citizenship, leaving him stateless, and on 10 April 2019 – the day he completed his labour camp term – was fined and ordered deported to his country of birth (http://www.forum18.org/archive.php?article_id=2478).

The seven tortured Jehovah's Witnesses lodged an appeal to the European Court of Human Rights (ECtHR) in Strasbourg on 25 February (Loginov and others versus Russia, Application No. 10618/19). The Court sent the Russian government a request for "factual information" on the case on 26 February. Russia "submitted the requested information" on 18 March, Court officials told Forum 18 on 27 May.

On 25 February, Andrey Babushkin, a member of the Presidential Human Rights Council and chair of the Commission to Support Public Monitoring Commissions, demanded an end to the violent treatment of Jehovah's Witnesses in Surgut. In a statement to the General Prosecutor's Office, the head of the Investigative Committee, and the Public Monitoring Commission for the Khanty-Mansi Autonomous Region, he insisted that a criminal case be opened against the investigators responsible.

After a subsequent internal investigation, the Investigative Committee refused to open a criminal case, but on 14 May, the Khanty-Mansi Autonomous Region's Prosecutor's Office insisted on a fresh examination of the Jehovah's Witnesses' complaints.

Numbers facing prosecution continue to rise

The Surgut torture victims are among a total of 189 people now facing criminal prosecution (including Yury Zalipayev, already on trial), as armed raids on Jehovah's Witness homes have continued across Russia. Investigators have also arrested some people at their workplaces. Many have spent long periods in detention or under house arrest. None has yet been brought to court, although officials have informed several people that the investigations of their cases have now been completed.

For a full list of those facing criminal prosecution, see here (http://www.forum18.org/archive.php?article_id=2482).

Between January 2018 and May 2019, raids have taken place in the following 36 of Russia's 83 federal subjects (not counting Russian-occupied Crimea and Sevastopol): Amur, Arkhangelsk, Republic of Bashkortostan, Belgorod, Ivanovo, Jewish Autonomous Region, Kamchatka, Kemerovo, Khabarovsk, Republic of Khakasiya, Khanty-Mansi Autonomous Region, Kirov, Kostroma, Krasnoyarsk, Magadan, Republic of Mordoviya, Murmansk, Novosibirsk, Omsk, Orenburg, Oryol, Penza, Perm, Primorye, Pskov, Rostov, Republic of Sakha-Yakutiya, Sakhalin, Saratov, Smolensk, Stavropol, Sverdlovsk, Republic of Tatarstan, Tomsk, Ulyanovsk, and Volgograd.

Forty-one women and 148 men are thought to have consequently been charged or named as suspects 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"), or Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation"), as well as Criminal Code Article 282.3, Part 1 ("Financing of extremist activity").

Twenty-eight people are known to be in pre-trial detention (three women, 25 men). Another 28 are under house arrest (four women, 24 men) and 73 under travel restrictions (28 women, 45 men). Officials have placed 16 people (one woman, 15 men) under specific

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sets of restrictions (such as not being allowed to go out at night or use the telephone or internet). One woman and three men are under an obligation to appear before investigators promptly when summoned. Thirty-five people (five women, 30 men) appear to be under no restrictions. The status of a further five men is currently unknown.

Officials have had 71 of these people added to the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose assets banks are obliged to freeze, except for small transactions (Dennis Christensen and Sergei Skrynnikov also appear on the List).

Six people are on the Interior Ministry's federal wanted list as their whereabouts are unknown. Two of them – Fail Samigullovich Shangareyev (born 16 December 1960) and Olga Timofeyevna Sandu (born 31 March 1984) - are known to have left Russia.

Raids and arrests

The 2018 and 2019 raids have fallen into a pattern. Officials from a variety of agencies, including armed men in masks and body armour, arrive at Jehovah's Witnesses' addresses 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 homes.

Officers then confiscate a similar range of possessions – phones, other electronic devices, bank cards, personal photographs, and books – and take the Jehovah's Witnesses, including children and the elderly, to a police station, FSB office, or Investigative Committee branch for questioning.

Such questioning can last for 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.

A judge then decides 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 apply to the court again to seek an extension. Detainees themselves may appeal to a higher court to have these restrictive measures lifted or reduced – on occasion, such appeals have been successful.

"Extremism" charges

Jehovah's Witnesses have largely been charged (or named as suspects) under Criminal Code Article 282.2, Part 1 or Part 2 ("Organisation of" or "Participation in the activities of a banned extremist organisation"). For exercising their right to freedom of religion and belief by meeting for worship, they stand accused of "continuing the activities" of the Jehovah's Witness Administrative Centre and its subsidiary local organisations, all of which the Russian Supreme Court ruled "extremist" and ordered liquidated in April 2017.

Investigators have also charged a few individuals under Criminal Code Article 282.3, Part 1 ("Financing of extremist activity"), or Criminal Code Article 282.2, Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation").

These prosecutions are happening despite the Supreme Court judges' insistence when they issued the ruling that it "does not amount to prohibition of the religion of Jehovah's Witnesses as such", and despite the fact 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". (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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