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RUSSIA: "A fresh bloody wound on his forehead"

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

During 24 November raids by Investigative Committee officials, Police, FSB and National Guard on Jehovah's Witnesses in Moscow, armed officials hit Vardan Zakaryan in the head with a rifle butt, resulting in his two-day hospitalisation. Officers assaulted a neighbour before locating and hitting another targeted Jehovah's Witness. Officials in these and earlier torture cases refused to explain or failed to respond to Forum 18 why the suspected torturers have not been arrested and prosecuted.

More Jehovah's Witnesses have been tortured during raids on their homes by Investigative Committee officials, Police, the FSB security service and the National Guard, according to Jehovah's Witnesses. During one of several 24 November raids in Moscow, armed officials hit Vardan Zakaryan in the head with a rifle butt, resulting in his hospitalisation for two days.

"Entering the living room, I saw a 10 centimetre [4 inch] bloodstain on the floor, and my dad was lying on the couch with a fresh bloody wound on his forehead," Zakaryan's daughter said. "He was pale and trembling all over" (see below).

In a raid on another household, officials first assaulted a neighbour of their intended target by mistake. They then forced a male Jehovah's Witness to the floor with a gun at his back, twisting his arms, and hitting him, Jehovah's Witnesses said. In yet another household, officials threatened to strip two women "and put them out on the street" (see below).

Zakaryan and four fellow Jehovah's Witnesses are now the subjects of the first criminal case on "extremism"-related charges against Jehovah's Witnesses in Moscow (see below).

Zakaryan has complained to Moscow's Prosecutor's Office and to the Moscow Human Rights Ombudsperson about his treatment, but it remains unknown whether any measures will be taken against the perpetrators (see below).

Many Jehovah's Witnesses and a Muslim who reads the works of the late Turkish theologian Said Nursi have suffered torture, either during arrest and interrogation, or upon arrival at a prison camp after they are convicted and their sentences come into force. Contrary to Russia's obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no investigator or prison official is yet known to have been arrested or put on criminal trial for committing or allowing torture (see below).

At least 86 searches between late October and mid-December

Officials launched at least 86 searches of Jehovah's Witness homes across 16 regions of Russia between late October and mid-December alone (https://www.forum18.org/archive.php?article_id=2624). These are thought to have resulted in 13 criminal cases against at least 26 people.

In total, more than 400 Jehovah's Witnesses remain under investigation, are on trial, or have been convicted since Russia's Supreme Court ordered the liquidation of their Administrative Centre as an "extremist organisation" in 2017 (https://www.forum18.org/archive.php?article_id=2297) and banned its activities nationwide.

Most recently, on 16 December 2020, Yury Prokopyevich Savelyov (born 1 January 1954) became the oldest Jehovah's Witness to receive a prison term, when Lenin District Court in Novosibirsk handed him a six-year sentence under Criminal Code Article 282.2, Part 1 ("Organising 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").

Muslims who read the works of the late Turkish theologian Said Nursi face similar raids and prosecution on "extremism"-related charges.

Eight Jehovah's Witnesses and one Muslim Nursi reader are serving labour camp terms as "extremists" (https://www.forum18.org/archive.php?article_id=2619). Of 26 Jehovah's Witnesses convicted of "extremism" charges since late July 2020, eight were given jail terms and 16 suspended sentences, while two were fined

Ignoring international obligations

The United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (<https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>) 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 the Convention, Russia is obliged to both "take him [sic] into custody or take other legal measures to ensure his [sic] presence" any person suspected on good grounds of having committed torture, and also try them under criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature".

Torture nevertheless remains common. The UN Committee Against Torture's (CAT) Concluding Observations (CAT/C/RUS/CO/6) (<https://www.undocs.org/en/CAT/C/RUS/CO/6>) on Russia, released in August 2018, stated: "The Committee is deeply concerned at numerous reliable reports of the practice of torture and ill-treatment in the State party, including as a means to extract confessions, and at many recent reports documenting cases of torture. ... The Committee is also concerned at reports that allegations of torture rarely resulted in criminal prosecutions and that, even when prosecuted, the perpetrators were charged with simple assault or abuse of authority". The CAT also urged Russia "to combat impunity in torture and ill-treatment cases".

The UN Committee made its remarks after video footage emerged of guards using truncheons to beat Yevgeny Makarov, an inmate at Yaroslavl's Labour Camp No. 8, and pouring water over his head as he lay on a table. There have been many other examples of abuse within Russia's security apparatus in recent years.

One in 10 people who replied to a survey of 3,447 adults from across Russia said they had been tortured by police and other security officials, according to a survey published on 27 June 2019 by the Levada Centre, an independent Moscow-based polling body. Three-quarters of adults who said they had suffered torture stated that they had been tortured to humiliate or intimidate them, half that they had been tortured to extract confessions, and a third that they had been tortured as a punishment.

Jehovah's Witnesses and one Muslim who reads Nursi's works have been tortured, but no suspect torturer is known to have been arrested or put on criminal trial (https://www.forum18.org/archive.php?article_id=2554).

Moscow raid leaves one man with head injury

The first criminal prosecutions of Jehovah's Witnesses in the capital Moscow after the 2017 ban began early in the morning of 24 November, when Investigative Committee officials arrived to search about 20 households, accompanied by armed police, National Guard troops, and members of the FSB security service. Investigators had had the Jehovah's Witnesses under surveillance for "many months", according to Jehovah's Witnesses.

At several Moscow addresses officials broke down doors, Jehovah's Witnesses stated on 9 December. Electronic devices, cash, bank cards, personal documents, cassettes, and in one household "even a calculator" were confiscated.

Officials also tortured two men, leaving one requiring hospitalisation for a head injury. Several people were taken away for questioning, during which some were threatened with prison and having their children taken away. Three men have been charged and two more named as suspects under Criminal Code Article 282.2, Part 1 (https://www.forum18.org/archive.php?article_id=2215) ("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").

At the home of the Zakaryan family, officials knocked on the door at 6 am in the morning. As soon as Vardan Zakaryan opened it, one of them hit him in the head with a rifle butt, knocking him down, Jehovah's Witnesses stated on 30 November. Zakaryan's wife (who, along with their daughter, is not a Jehovah's Witness) was ordered to lie on the floor.

"Entering the living room, I saw a 10 centimetre [4 inch] bloodstain on the floor, and my dad was lying on the couch with a fresh bloody wound on his forehead," Zakaryan's daughter told Jehovah's Witnesses. "He was pale and trembling all over."

An ambulance took Zakaryan to hospital under guard, where he remained for two days before being discharged "at the insistence of security officials". Investigative Committee investigator Dmitry Smadich then interrogated him overnight.

Smadich charged Zakaryan 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"). Zakaryan also appears to be under investigation under Criminal

Code Article 282.2, Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation").

On 27 November, a court extended Zakaryan's time in temporary detention (normally 48 hours). At the temporary detention centre, Jehovah's Witnesses state, "they exerted strong psychological pressure on him, trying to force him to incriminate his fellow believers and take the blame for extremism".

Moscow's Presna District Court ordered on 30 November that Zakaryan should be placed under house arrest until 23 January 2021.

Will torture complaints lead to arrests and prosecutions?

Upon his release from the temporary detention centre, Zakaryan filed complaints about his treatment with Moscow City Prosecutor's Office and Moscow Human Rights Ombudsperson Tatyana Potayeva.

Forum 18 wrote to the Moscow FSB and the Moscow National Guard on 7 December, asking why their officials had used violence towards an unarmed man, whether those involved were still on duty, and whether their actions would be investigated. Forum 18 received no reply from the Moscow FSB or the Moscow National Guard by the end of the working day in Moscow on 16 December.

Forum 18 wrote to Moscow City Prosecutor's Office and the Ombudsperson's Office on 7 and 8 December, asking whether the torture would be investigated and a criminal case opened against the perpetrators.

Moscow City Prosecutor's Office responded to Forum 18 on 14 December, noting that the Investigative Committee is investigating the criminal case against Zakaryan. The response said nothing about any action against those who had tortured him, declaring only that "all appeals arriving at the city Prosecutor's Office are considered under the established procedure and copies of replies are sent to the applicant".

The Human Rights Ombudsperson's press secretary Yelena Lopukhina told Forum 18 on 10 December that her office had received complaints about "the infliction of bodily harm on a 49-year-old citizen and his wife in the course of a search at a residential property". She added that the Ombudsperson's Office would consider the complaints and inform the applicants of the outcome within the established timeframe (30 days).

Other assaults, threats during Moscow raids

During the raids on Jehovah's Witnesses in Moscow on 24 November, armed and masked FSB officers and National Guard troops first assaulted a neighbour of their intended target by mistake, according to Jehovah's Witnesses. The officers then forced a male Jehovah's Witness to the floor with a gun at his back, twisting his arms, and hitting him.

In another household, officers "insulted two female believers, threatening to strip them and put them out on the street", Jehovah's Witnesses stated on 9 December.

No criminal cases appear to have been opened against any of the three people targeted in these raids.

A 33-second video on the Investigative Committee's YouTube channel shows (without commentary) two men in black uniforms and balaclavas forcing open the door of a flat and pulling it off its hinges. The video then cuts to a few seconds' footage of officials moving through the flat's interior, and ends with an image of bundles of cash lying on a surface, and an open book with its title page blurred out.

Jehovah's Witnesses say that this footage is of the raid on Yury Chernyshev's home, during which he was knocked to the floor and his wife Yekaterina made to stand facing the wall. Officials then placed the two adults and their daughter (who is aged under 18) in separate rooms, forbidding them from speaking to each other. After the nine-hour search, both Yury and Yekaterina were taken away for interrogation, after which she was released and he was sent to a temporary detention centre.

Five targeted in Moscow criminal case

The Moscow Investigative Committee said in a statement on 24 November, the day of the raids, that it is investigating a group of people who "organised the work of a local religious division of this organisation [ie. Jehovah's Witnesses] in the northeast of Moscow" (https://www.forum18.org/archive.php?article_id=2624).

The criminal case so far involves five people:

- Vardan Pegasovich Zakaryan (born 1971) – charged under Criminal Code Article 282.2, Part 1. Six days in temporary detention, then house arrest;
- Ivan Stepanovich Chaykovsky (born 1955) and Yury Yevgenyevich Chernyshev (born 1963) – charged under Criminal Code

Article 282.2, Part 1. Three days in temporary detention, then house arrest;

- Vitaly Viktorovich Komarov (born 1976) – suspect under Criminal Code Article 282.2, Part 1. Three days in temporary detention, then house arrest;

- and Sergey Grigoryevich Shatalov (born 1969) – suspect under Criminal Code Article 282.2, Part 1. Three days in temporary detention, then house arrest.

Earlier unpunished cases of torture

Yevgeny Lvovich Kim (born 5 October 1974) was sentenced to three years and nine months' imprisonment in June 2017 for organising meetings to study the works of late Turkish theologian Said Nursi (https://www.forum18.org/archive.php?article_id=2290). Between Kim's arrest in December 2015 and his transfer to a labour camp in August 2017, he was detained in Investigation Prison No. 1 in Blagoveshchensk.

While there, Kim was tortured, had his ribs broken, and suffered attempted rape (https://www.forum18.org/archive.php?article_id=2332). This took place in "the so-called 'press hut', a special room where the necessary testimonies are beaten out [of inmates] by other detainees who are colluding with the prison administration", a fellow Muslim told Forum 18 in October 2017. No-one is known to have been arrested and put on criminal trial for torturing Kim (https://www.forum18.org/archive.php?article_id=2554).

Kim is now in a detention centre for foreign and stateless persons in Khabarovsk (https://www.forum18.org/archive.php?article_id=2585), having been deprived of Russian citizenship while serving his prison sentence and detained for violating migration law upon his release in April 2019.

Several other Jehovah's Witnesses have been tortured, either during their arrest and interrogation, or in prison after their sentences came into force. Jehovah's Witness lawyers confirmed to Forum 18 on 8 December that all their applications to initiate criminal proceedings against those suspected of being responsible for torture have been refused, and that none of the victims has received any compensation.

During raids on 40 Jehovah's Witness homes in the Siberian city of Chita in the early morning of 10 February 2020, members of the National Guard arrested Vadim Aleksandrovich Kutsenko (born 1989) and subjected him to beating, choking, and electric shocks (https://www.forum18.org/archive.php?article_id=2549). Another detainee said that the National Guard made threats of violence against their family. A medical examination shortly afterwards confirmed the torture of Kutsenko.

Kutsenko spent five days in temporary detention but now appears to be under no restrictions. He remains a suspect 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").

No-one is known to have been arrested and put on criminal trial for torturing Kutsenko (https://www.forum18.org/archive.php?article_id=2554).

Neither the National Guard nor any other state agency in the Transbaikal Region responded to Forum 18's questions about why Kutsenko had been tortured, and when the alleged perpetrators would be arrested and put on criminal trial.

Five Jehovah's Witnesses - Aleksey Budenchuk, Feliks Makhammadiyev, Roman Gridasov, Gennady German, and Aleksey Miretsky - were tortured on arrival at Orenburg Labour Camp No. 1 (https://www.forum18.org/archive.php?article_id=2549) on 6 February 2020. Guards kicked them and beat them with batons, and took away the gluten-free food given by doctors to Makhammadiyev. As he has coeliac disease, it is essential that he has gluten-free food. All five prisoners of conscience were put in solitary confinement. Makhammadiyev suffered a broken rib and a damaged kidney, and was hospitalised.

Both the Federal Prison Service (FSIN) and the Orenburg Regional Prison Service told Forum 18 that no torture took place, the latter stating that "One of the convicts was injured through his own negligence" (https://www.forum18.org/archive.php?article_id=2549).

Orenburg Deputy Regional Prosecutor Andrey Vyazikov told Forum 18 on 26 February that "on the basis of information received about the injuries of one of the inmates, a prosecutorial review has been organised", after which prosecutors would determine whether "unlawful methods of physical pressure" had been used against prisoners.

No-one is known to have been arrested and put on criminal trial for torturing the five men (https://www.forum18.org/archive.php?article_id=2554).

Roman Makhnyov (born 4 February 1976) stated that FSB security service officials handcuffed him to a heating pipe overnight and

denied him food for two days while they interrogated him (https://www.forum18.org/archive.php?article_id=2493) after his arrest in Kaluga on 26 June 2019. No-one is known to have been arrested and put on criminal trial for torturing Makhnyov (https://www.forum18.org/archive.php?article_id=2554).

Makhnyov subsequently spent 182 days in detention and 57 days under house arrest before being released under specific restrictions. He has been charged under Criminal Code Article 282.2, Part 1 but his case is still at the preliminary investigation stage. Forum 18 received no answers to its questions about Makhnyov's torture from Kaluga Region FSB (https://www.forum18.org/archive.php?article_id=2554).

Kaluga Regional Prosecutor's Office reviewed the incident, Kaluga Regional Human Rights Ombudsperson Yury Zelnikov told Forum 18 on 12 March 2020 (https://www.forum18.org/archive.php?article_id=2554), and concluded that there was no evidence that FSB officers had used "illicit methods" against Makhnyov.

OMON riot police from the National Guard tortured seven Jehovah's Witnesses in the Investigative Committee's building in Surgut (Khanty-Mansi Autonomous Region) after arresting them on 15 February 2019 (https://www.forum18.org/archive.php?article_id=2489). This was "directed and facilitated" by the Khanty-Mansi Autonomous Region Investigative Committee, according to Jehovah's Witness lawyer Yegiazar Chernikov.

The seven Jehovah's Witnesses, Sergey Pavlovich Loginov (born 18 September 1961), Vyacheslav Pavlovich Boronos (born 1 June 1966), Sergey Vladimirovich Volosnikov (born 7 November 1977), Artyom Stanislavovich Kim (born 1 August 1988), Aleksey Nikolayevich Plekhov (28 July 1977), Yevgeny Nikolayevich Kayrak (born 29 March 1986), and Kirill Severinchik were released after questioning, and went immediately to have their injuries documented by doctors.

Two Investigative Committee officials implicated in the torture were given awards, and one of the victims was re-arrested after reporting the torture (https://www.forum18.org/archive.php?article_id=2489). The Jehovah's Witnesses' lawyer told Forum 18 that the medical report on the torture of the seven men identified "multiple injuries .. in the form of bruises, haematomas, abrasions, and burns from an electric shock prod, which by their stage coincided with the date of interrogation".

Neither the Regional nor the Federal Investigative Committee has responded to Forum 18's questions about the tortures (https://www.forum18.org/archive.php?article_id=2554). The Federal Investigative Committee took over investigation of the Jehovah's Witnesses' claims in summer 2019 after its regional subordinates twice concluded that their colleagues had committed no offence.

The Investigative Committee has refused five times to open a criminal case, most recently last winter, Jehovah's Witness lawyer Yegiazar Chernikov told Forum 18 on 16 December 2020. He added that there was in fact no investigation, despite victims being able to identify several riot police/National Guard officers. The Investigative Committee did not announce its decisions not to prosecute the perpetrators; Jehovah's Witness lawyers had to find out "with difficulty", by going to court. "The authorities place the highest value not on rights and freedoms (Article 2 of the Constitution), but on their own reputation and creating the illusion that they carried out an investigation."

No-one is known to have been arrested and put on criminal trial for torturing the seven men (https://www.forum18.org/archive.php?article_id=2554).

On 25 February 2019, the seven torture victims and two other Jehovah's Witnesses lodged an appeal (https://www.forum18.org/archive.php?article_id=2554) (Application No. 10618/19) at the European Court of Human Rights (ECtHR) in Strasbourg under several Articles of the European Convention on Human Rights, including Article 3 ("Prohibition of torture") and Article 9 ("Freedom of thought, conscience, and religion"). The appeal has not yet been communicated to the Russian government, the ECtHR press office told Forum 18 on 14 December 2020.

All the torture victims except Kirill Severinchik have been charged or named as suspects for "organising" (Criminal Code Article 282.2, Part 1), or "participating in" (Part 2), "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". Some torture victims have also been charged under Criminal Code Article 282.3, Part 1 ("Financing extremist activity").

On 14 and 15 December 2020, Forum 18 sent further written enquiries to all appropriate agencies in the Chita, Orenburg, Kaluga, and Surgut cases, as well as to the Human Rights Ombudsperson Tatyana Moskalkova in Moscow. Forum 18 noted Russia's obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which makes "these offences punishable by appropriate penalties which take into account their grave nature", and asked whether those involved had been arrested, investigated, or suspended from work, whether a criminal case had been opened against them, and when they will be put on trial, and if none of these measures had been taken, why not.

As of the end of the working day on 16 December, Forum 18 had received no response to any of these enquiries. (END)

Full reports on freedom of thought, conscience and belief in Russia
(<https://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
(https://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 (https://www.forum18.org/archive.php?article_id=2215).

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis
<https://www.sova-center.ru>, about the systemic problems of Russian anti-extremism legislation
(https://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
(https://www.forum18.org/archive.php?article_id=1351)

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