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RUSSIA: First criminal charges against Jehovah's Witnesses, Nursi reader sentenced

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Ilham Islamlı has become the first reader of the works of the Muslim theologian Said Nursi – some of which are banned in Russia – to be convicted under the Criminal Code and punished under extremism-related charges, Forum 18 News Service notes. After two months' pre-trial detention, Islamlı was given a suspended sentence on 18 August by a court in Nizhny Novgorod for publishing Nursi's works in Russian on a website he ran. A criminal case against another Nursi reader continues in Dagestan, though the case against a third has been dropped. For the first time, extremism-related criminal cases have now also been opened against three named individual Jehovah's Witnesses. Launched after mass raids on his congregation, the case against Jehovah's Witness Maksim Kalinin is said to have involved FSB security service surveillance using a secret video camera in his home, as well as their tapping of telephone calls made by seven other Jehovah's Witnesses. In Altai Republic, extremism charges have already been brought against local Jehovah's Witness leader Aleksandr Kalistratov, who faces possible imprisonment of up to three years if convicted.

A criminal extremism case against Maksim Kalinin, a Jehovah's Witness elder in the Volga republic of Mari-El, rests on FSB security service surveillance "using a hidden camera in his home without his knowledge", Forum 18 News Service has learnt. "This means that at the current moment all 160,000 Jehovah's Witnesses in Russia cannot feel secure even in their own homes," Jehovah's Witness spokesperson Grigory Martynov remarked to Forum 18 on 20 August.

Kalinin's is one of the first three criminal cases to be opened against individual Jehovah's Witnesses in connection with alleged extremist activity. If convicted under Criminal Code Article 282.2 ("organisation of activity by an extremist organisation"), he could face up to three years in prison.

The criminal cases against Jehovah's Witnesses come as the first criminal trial in Russia of a reader of the works of the late Muslim theologian Said Nursi under extremism-related charges ended in a conviction and a suspended sentence, Forum 18 notes. Another criminal case continues.

The Mari-El developments are part of an ongoing nationwide state campaign directed against Jehovah's Witnesses. Begun in early 2009, the campaign intensified from 8 December 2009, when the Supreme Court upheld Rostov-on-Don Regional Court's earlier ruling outlawing 34 Jehovah's Witness titles as extremist and dissolving the local Jehovah's Witness religious organisation in Taganrog (see F18News 8 December 2009 http://www.forum18.org/Archive.php?article_id=1385).

Similarly added to the Federal List of Extremist Materials, Russian translations of Nursi's "Risale-i Nur" ("Messages of Light") multi-part Koranic commentary were outlawed by Moscow's Koptevo District Court in May 2007 (see F18News 27 June 2007 http://www.forum18.org/Archive.php?article_id=981). Nurdzhular - which Nursi readers insist does not exist – was then banned as an extremist organisation by Russia's Supreme Court in April 2008 (see F18News 29 May 2008 http://www.forum18.org/Archive.php?article_id=1136).

Officials in various government agencies have refused to explain who initiated the campaigns against Jehovah's Witnesses and readers of Said Nursi's works (see F18News 25 March 2010 http://www.forum18.org/Archive.php?article_id=1426).

Martynov estimates that, in the wake of the Supreme Court ruling, law enforcement agents' searches, brief detentions and similar incidents involving Jehovah's Witnesses across Russia now total around 300.

First Nursi criminal conviction

On 18 August, Ilham Islamlı became the first Nursi reader in Russia to be convicted under the Criminal Code and punished under extremism-related charges when Nizhny Novgorod District Court found him guilty of violating Article 282, Part 1 ("hatred or enmity, as well as the humiliation of human dignity"). Judge Nikolai Novichikhin sentenced him to ten months' detention, suspended for one year, the court website stated. During this period, he will have to remain on record with the authorities and will not be able to change his place of residence without notifying them. The sentence took into account that he had been detained since his arrest on 18

June.

Islamli was freed in the courtroom after the verdict was announced, as he confirmed to Forum 18 on 22 August.

Islamli, a 34-year-old Azerbaijani citizen long resident in Russia, was accused of inciting religious hatred for posting Nursi's works in Russian on a website he ran until early 2009. His arrest in Moscow Region was organised by the Nizhny Novgorod Regional FSB.

Asked in July who he believed might have suffered from Islamli's posting of some works by Nursi on his website, the investigator in the case, Vladimir Chernobrovin, responded to Forum 18: "Asking who suffered or not is not relevant. The investigation is based on the court decisions banning Nursi's works." (see F18News 7 July 2010 http://www.forum18.org/Archive.php?article_id=1464).

Secret camera

Following 10 August raids on private homes and a Jehovah's Witness worship service – at which he was present – Maksim Kalinin was formally declared a suspect in a case opened against him under Criminal Code Article 282.2 ("organisation of activity by an extremist organisation") by Anton Vitsyuk, an investigator at Mari-El Republic Public Prosecutor's Office. While Kalinin was initially obliged to pledge not to leave the republican capital Yoshkar-Ola, this condition was lifted after ten days when no charges were brought against him, Martynov told Forum 18 on 23 August. Kalinin continues to be a suspect, however, and must remain available for questioning.

Despite the bans on literature and two local congregations in Moscow and Taganrog (Rostov-on-Don Region), the Russian Jehovah's Witness organisation has not in fact been declared extremist, Forum 18 notes.

As a suspect rather than a witness, Kalinin exercised his right to demand materials related to his case. Among these, according to Martynov, a 30 March 2010 document issued by the Supreme Court of Mari-El Republic contained information on FSB surveillance using a secret video camera in Kalinin's home, as well as their tapping of telephone calls made by seven other Jehovah's Witnesses. As the case continues, the Jehovah's Witnesses are unable to publish the contents of this document.

Evening raids

On 10 August, soon after early evening worship attended by 90 Jehovah's Witnesses – including Kalinin – began at a congregation member's private house in Yoshkar-Ola, some 30 law enforcement agents – including FSB and Special Forces [Spetsnaz] – arrived. According to the Jehovah's Witnesses, one mounted the pastors' podium and interrupted the service. All present were then searched; some had personal items – including mobile phones – confiscated, others were issued summonses for questioning. No one was permitted to leave the building until 7am; when one woman felt ill, an ambulance was called but the law enforcement agents refused to allow paramedics to enter. At five believers' homes in Yoshkar-Ola, literature was seized during similar raids lasting until 4am that night.

The Jehovah's Witnesses attribute this action to a separate criminal case opened against unspecified members of the Yoshkar-Ola congregation. In a 6 August order seen by Forum 18, Anton Vitsyuk opens the case under Article 282, Part 1 of the Criminal Code ("hatred or enmity, as well as the humiliation of human dignity") due to public activity by unnamed representatives of the local Jehovah's Witness organisation in Yoshkar-Ola "aimed at belittling the dignity of a group of persons due to their attitude towards religion".

Information confirming this "crime" was received from the republican FSB and counterextremism police departments on 2 August, the order notes. Specifically, it alleges that in 2010 the Jehovah's Witnesses distributed banned extremist literature and preached publicly "on the exclusivity and superiority of adherents of the Jehovah's Witness religious association over representatives of other Christian religions."

Reached at the Public Prosecutor's Office on 26 August, Vitsyuk confirmed that he had opened a criminal case against the Yoshkar-Ola Jehovah's Witness community under Article 282, Part 1. However, he refused to comment further, directing Forum 18 to information about the case on the website of the Investigation Department of Mari-El Republic Public Prosecutor's Office. Asked to confirm whether information about Maksim Kalinin's separate case was also on the website, Vitsyuk insisted he was not authorised to give information, and added that he was on holiday.

A 12 August news item on the Investigation Department website repeats details of the 6 August order. It also states that brochures confiscated from the Jehovah's Witnesses will be "subject to careful analysis and expert investigation" and that "operative measures and investigatory action" are currently being taken "to ascertain all circumstances of the committed crime". The website does not mention Kalinin's case.

Earlier, religious extremism charges featured in the Mari-El authorities' prosecution of a local adherent of traditional Mari paganism (see F18News 29 May 2008 http://www.forum18.org/Archive.php?article_id=1136).

Gorno-Altai criminal charges

Also issued on 11 August, criminal charges under Article 282, Part 1 – seen by Forum 18 - have already been brought in a case against the leader of the local Jehovah's Witness organisation in Gorno-Altai (Altai Republic), Aleksandr Kalistratov. While not in detention, Kalistratov has signed a pledge not to travel before his trial, which may begin in September or October 2010, Martynov believes. Article 282, Part 1 carries a maximum punishment of two years' imprisonment.

Signed by Yevgeni Saidutov, an investigator with Altai Republic Public Prosecutor's Office, the charges maintain that 34-year-old Kalistratov ordered religious literature - including 13 titles banned as extremist by Gorno-Altai City Court and 30 by Rostov-on-Don Regional Court - from the Jehovah's Witnesses Russian headquarters in St Petersburg and organised its distribution by his community between October 2008 and the end of 2009. Specifically, it claims, Kalistratov visited A. Kandarakov at home in Gorno-Altai during the second half of December 2009 and gave him two copies of "What Does God Require of Us?" while knowing it had been banned by Gorno-Altai City Court on 1 October 2009.

Forum 18 notes that the Gorno-Altai ruling had not in fact entered force by the end of 2009 (see F18News 28 January 2010 http://www.forum18.org/Archive.php?article_id=1400).

Saidutov's 18-page charges also list evidence of the literature's allegedly extremist content. While largely consisting of criticism of Jehovah's Witness Biblical commentary, they also maintain that an 8 April 1998 issue of "Awake!", banned by Gorno-Altai City Court and now on the Federal List of Extremist Materials, is extremist due to the following passage: "We attended a church in Seattle (Washington State, USA), but this was purely a formality. Religion did not occupy an important place in our lives until Jamie, a cheerful young pioneer (a full-fledged preacher of the good news) knocked at our door. She was so nice that I agreed to study the Bible. Since Fred also showed an interest, Jamie's parents led the study and a year later, in 1968, Fred and I were baptized. From the very beginning we had a sincere desire to place the interests of God's Kingdom first in our lives."

According to Saidutov's charges, "this autobiography shows that Christianity in its widespread form and servants of the church could not attract the young couple, who professed Christianity only formally. The Jehovah's Witnesses differ favourably from the Christian Church, because their doctrine aroused a sincere desire to follow it." The passage is thus seen as "aimed at inciting hatred towards the Christian (Catholic) religion and Christian (Catholic) clergy as a social group".

First criminal case against Jehovah's Witness

Charges have yet to be brought in what appears to be the first extremism case opened against an individual Jehovah's Witness in Russia, Martynov told Forum 18.

In a 21 July order seen by Forum 18, Nikolai Ivanov, an investigator with Tula Regional Public Prosecutor's Office, opens a case under Article 282, Part 1 against Jehovah's Witness Petr Babilyulka. On 30 June 2010, it alleges, Babilyulka distributed three copies of "What Does the Bible Really Teach?" – declared extremist by the Rostov-on-Don ruling – to an undetermined group of persons in a private flat in the city of Tula.

Babilyulka was imprisoned as a conscientious objector from 1956-62, according to the Jehovah's Witnesses. "What is happening reminds me of the repression of Soviet times," he remarked in their 10 August statement. "Unfortunately, 50 years on I am again having to give an explanation of my faith before the law enforcement organs."

An 85-year-old Second World War veteran who later became a Jehovah's Witness was fined 1,000 Roubles (99 Norwegian Kroner, 13 Euros, or 17 US Dollars) on 28 July for the administrative offence of "production and distribution of extremist materials" (Article 20.29 of the Administrative Violations Code) (see F18News 4 August 2010 http://www.forum18.org/Archive.php?article_id=1475).

Dagestan criminal case dropped against one Nursi reader, continues against another

Meanwhile, in Russia's North Caucasus republic of Dagestan, FSB investigators have dropped the criminal case against Nursi reader Ruslan Bulatov, the Caucasian Knot website reported on 19 August, quoting Bulatov's lawyer Murtazali Barkayev. However, the criminal case against fellow Nursi reader Ziyavdin Dapayev continues, Barkayev added.

Prosecutors launched an investigation in December 2009 into the activity of Bulatov and Dapayev under Article 282.2, Part 2 of the Criminal Code ("participation in a banned religious extremist organisation"), which carries a maximum penalty of two years' imprisonment. The investigation began as homes associated with Nursi readers in three Dagestani towns were subjected to armed raids. Dapayev told Forum 18 in March that "of course" they read Nursi's works, but vehemently rejected any accusations of extremism or terrorism (see F18News 4 March 2010 http://www.forum18.org/Archive.php?article_id=1416). (END)

For more background, see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1196.

Analysis of the background to Russian policy on "religious extremism" is available in two articles: - 'How the battle with "religious

extremism" began' (F18News 27 April 2009 http://www.forum18.org/Archive.php?article_id=1287 - and - 'The battle with "religious extremism" - a return to past methods?' (F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

A personal commentary by Irina Budkina, Editor of the <http://www.samstar.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.

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.

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.

A printer-friendly map of Russia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=russi>.

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