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RUSSIA: 17 hearings already, more to come

By Rosemary Griffin, Forum 18 (<https://www.forum18.org>)

When the criminal trial resumes in Gorno-Altai of Jehovah's Witness Aleksandr Kalistratov on extremism-related charges on 14 February, it will be the 18th hearing in the case, which began in October 2010. It is already the longest running case of its kind in the court, but a court spokesperson refused to explain to Forum 18 News Service why it is taking so long. Jehovah's Witness spokesperson Grigory Martynov told Forum 18 it is expensive for Kalistratov's lawyers to travel repeatedly from St. Petersburg to Gorno-Altai, but insisted "it is a material issue to fight this case". Other Jehovah's Witnesses are facing similar charges. Also due to resume on 16 February in Dagestan is the criminal trial of Ziyavdin Dapayev, a reader of the works of Muslim theologian Said Nursi. Further Jehovah's Witness publications were added in January to the Federal List of Extremist Materials, which already includes many of Nursi's writings.

Two criminal trials are set to resume within days in the latest phase of the Russian authorities' clampdown on religious activity which they link to extremism. The 18th hearing in the trial of Aleksandr Kalistratov, a Jehovah's Witness accused of distributing "extremist literature", is set for 14 February at Gorno-Altai City Court, the court website states. Meanwhile in the North Caucasus republic of Dagestan, the trial of Ziyavdin Dapayev, a reader of the works of the late Turkish Muslim theologian Said Nursi, is due to resume on 16 February, a court official told Forum 18 News Service. He is accused of planning to set up a branch of the illegal Nurdzhular movement, an organisation which Nursi readers insist does not exist.

Further trials against Jehovah's Witnesses charged with the same offence are on hold until the Gorno-Altai court reaches a verdict. Among recent new cases, Yelena Grigoryevna, a Jehovah's Witness from Astrakhan Region, is facing prosecution for alleged extremism under Article 282 of the Criminal Code, according to a statement from the Astrakhan branch of the Russian Investigative Committee. Grigoryeva is accused of sharing her beliefs with people living in the Akhtubinsk District between January and September 2010, as well as distributing printed material which is on the Federal List of Extremist Materials. Grigoryeva's house was searched on 8 February and various materials confiscated (see F18News 13 April 2011 http://www.forum18.org/Archive.php?article_id=1562).

Jehovah's Witness meetings are frequently raided by the Police and Federal Security Service (FSB). Similar raids take place on meetings of readers of Nursi's works. Some 30 armed officers raided such a meeting in Ulyanovsk on 20 January, using physical force against those present. While many of the participants were detained, Azerbaijani national Rashid Abdulov was arrested and is still in detention (see F18News 4 February 2011 http://www.forum18.org/Archive.php?article_id=1536).

Seventeen hearings so far

The trial of Kalistratov, Russia's first Jehovah's Witness to face criminal charges for possession of "extremist" materials, began in October 2010. He is being tried under Article 282, Part 1 of the Criminal Code ("Incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of human dignity"). He faces a maximum sentence of two years' imprisonment if convicted. Kalistratov's alleged crime was to order and distribute literature from October 2008 to late 2009 that had previously been ruled extremist by courts in Gorno-Altai and Rostov-on-Don. Kalistratov had previously lost his job and been arrested for refusing to serve in the military on grounds of his faith (see F18News 1 December 2010 http://www.forum18.org/Archive.php?article_id=1516).

Kalistratov's case is already the longest running case of its kind in the court. A total of 17 hearings plus one initial hearing have taken place since 7 October 2010, the court website reveals. A spokesperson for the court refused to comment to Forum 18 on 28 January on why the case is taking so long to be resolved.

Jehovah's Witness spokesperson Grigory Martynov added that the February hearings are scheduled to last a week. "It's not known if it will continue after that or not," he said.

Earlier hearings saw all the witnesses for the prosecution testify as well as some witnesses for the defence. Expert analysis of literature produced by the Jehovah's Witnesses was also presented to the court.

Jehovah's Witnesses are facing a huge financial cost of defending Kalistratov at the trial in Gorno-Altai, a region located in the far

east of Russia, over 3,000 kms (1,900 miles) from Moscow. Kalistratov's lawyers travel from St. Petersburg for each hearing. "Of course it's not a simple problem, and it is a material issue to fight this case," Martynov insisted.

Testifying earlier in the trial, Head of the Department for Religious Issues at the Office of the Russian Ombudsman for Human Rights Mikhail Odintsov described the expert analysis supposedly proving the texts distributed by Kalistratov to be extremist as "unscientific". Reliance upon this expert analysis, Odintsov concluded, "is fraught with further miscarriages of justice and may prove a detonator of mass violations of human rights in Russia".

Nursi readers remain a target

The trial of Ziyavdin Dapayev is due to resume on 16 February in the Lenin District Court in Dagestan's capital Makhachkala, a court official told Forum 18 on 11 February. Dapayev is being prosecuted under Article 282.2, Part 1 of the Criminal Code, which punishes "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". Prosecutors allege that Dapayev was involved in Nurdzhular, an organisation based on the teaching of Turkish theologian Said Nursi which was banned by Russia's Supreme Court in April 2008. Russia's Nursi readers insist the organisation does not exist.

Many of Nursi's works have been banned by various Russian courts as "extremist" and have been added to the Federal List of Extremist Materials maintained by the Justice Ministry. This began to be issued in 2007 and has been regularly updated since then (see F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

The Lenin District Court official, who preferred to remain anonymous, told Forum 18 that the court had ordered a break in proceedings on 10 February, after hearing evidence from 1 February. The official declined to give any further details about the postponement.

Dapayev told Forum 18 on 11 February that so far the trial had heard testimony from witnesses for the prosecution, including members of the local security services, as well as his former friends, who said that he was planning to open a branch of Nurdzhular.

"I don't know why the trial was postponed, perhaps because there are so many witnesses," Dapayev told Forum 18. He also confirmed that members of the local FSB were present in court.

The investigation into Dapayev's activities began in mid December 2009, following a raid on a group of Muslims that had gathered at Dapayev's house. Dapayev freely admits he reads Nursi's works, but denies any extremist activity (see F18News 29 October 2010 http://www.forum18.org/Archive.php?article_id=1504).

Number of banned texts continues to increase

The criminalisation of Jehovah's Witnesses' publications in Russia also increased in 2011. A further six of their publications were added to the Federal List of Extremist Materials on 18 January. The updated list, which was posted on the Justice Ministry's website, included a total of nine new texts ruled to be "extremist" in courts across Russia between September and November 2010. In addition to "The Bible: God's Word or Man's?", three editions of "The Watchtower", and two brochures "Keep on the Watch!" and "Awake!" were found to be extremist by a court in Kemerovo on 28 October 2010.

"We only found out about this when it was announced on the Ministry's website," Jehovah's Witnesses spokesperson Martynov told Forum 18. "The Kemerovo Court's decision is a logical continuation of the religious persecution we are suffering," Martynov said. He added that the court did not invite Jehovah's Witnesses to take part in the trial or answer questions about their faith. "We will consult our lawyers and try and have the decision reversed, but yes, it probably means we will have to destroy some of our materials," he told Forum 18.

Martynov said that the total number of items published by the Jehovah's Witnesses on the Federal List is now 52.

No compensation yet for illegal ban

On 10 June 2010 the ECtHR ruled in favour of the Jehovah's Witnesses of Moscow in response to their October 2001 complaint against a ban on the community. In September 2010 the Russian government challenged the verdict, but the Strasbourg court's Grand Chamber rejected the challenge and the ruling became final on 22 November 2010, though this was not announced until 13 December 2010 (see F18News 30 November 2010 http://www.forum18.org/Archive.php?article_id=1515).

This ruling seems to have failed to halt the authorities' harassment of the group and further criminalisation of their activities, however. Although the Kemerovo Court ruling, the most recent to criminalise Jehovah's Witnesses material, reached its judgment banning the latest texts before the ECtHR ruling came into effect.

Part of the ECtHR ruling included compensation to be paid to the community by the Russian authorities amounting to 20,000 Euros

(781,500 Roubles, 160,870 Norwegian Kroner or 25,280 US Dollars) plus costs of 50,000 Euros (1,953,200 Roubles, 402,225 Norwegian Kroner or 63,200 US Dollars). Compensation is payable within three months of the verdict becoming final, which means it is to be paid by 22 February. Martynov told Forum 18 on 11 February that the organisation has yet to receive this compensation.

Martynov said that as of 11 February, the Russian authorities had so far also failed to re-register the group, despite applications being filed in three Moscow courts and the Justice Ministry. "So far, we have received one response, from the Golovinsky Court, which has scheduled a hearing for 15 February," Martynov told Forum 18 (see F18News 1 March 2011 http://www.forum18.org/Archive.php?article_id=1548). (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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