

28 March 2012

RUSSIA: "They broke the law and have to answer before the courts"

By Felix Corley, Forum 18 (<https://www.forum18.org/>)

Fifteen named Jehovah's Witnesses and "unidentified" others in the southern Russian town of Taganrog are being investigated in two criminal cases on "extremism"-related charges carrying prison terms of up to three years, according to case documents seen by Forum 18 News Service. These are the largest criminal cases against Jehovah's Witnesses launched in Russia since 1991, Jehovah's Witnesses complained to Forum 18. "I'm not saying these people are dangerous," Investigator Vitaly Pustynnikov, who launched the two cases, told Forum 18 from Rostov-on-Don. "But they broke the law and have to answer before the courts." Taganrog's main Jehovah's Witness community was declared "extremist" through the courts in 2009 and forcibly liquidated. At least twelve community members have faced house searches since August 2011 for "banned 'jehovist' literature" and membership documents. An officer of the FSB security service in Taganrog – which contributed material for at least one of the cases - explained to Forum 18 that the FSB counters "terrorism and extremism". However, he refused to specify to which category he believes Jehovah's Witnesses belong.

Two criminal investigations on "extremism"-related charges are underway against a total of fifteen named Jehovah's Witnesses and an unspecified number of "unidentified" persons in the southern Russian town of Taganrog, according to case documents seen by Forum 18 News Service. These are the largest criminal cases against Jehovah's Witnesses launched in Russia since 1991, Jehovah's Witnesses complained to Forum 18. One of those being investigated is just 17 years old. Investigator Vitaly Pustynnikov, refused to discuss the two criminal cases he had launched, insisting they contained "investigative secrets". However, he defended the cases. "I'm not saying these people are dangerous," he told Forum 18 from Rostov-on-Don on 28 March. "But they broke the law and have to answer before the courts."

Investigator Pustynnikov appeared to be shocked that Forum 18 had seen documentation in the cases. "Where did you get it from?" he asked. "No-one gave those being investigated the right to make the accusations public."

Pustynnikov's boss, Vitaly Shevchenko, head of the Investigative Section of the Police of the Southern Federal Region, equally defended the investigations. "It is not a question as to whether or not these individuals are dangerous," he told Forum 18 from Rostov-on-Don on 22 March. "It's a question of observing the law of the Russian Federation."

Investigator Pustynnikov said the cases are now with his Investigative Section as a whole, but refused to say how the investigations are likely to proceed or when any cases might reach court. Jehovah's Witnesses told Forum 18 they do not believe the cases will reach court soon. They point out that many criminal investigations against individual Jehovah's Witnesses can last months or years.

"The FSB does nothing"

The case documents reveal the involvement of the FSB security service in preparing the basis for at least one of the two cases. However, an officer at the Rostov-on-Don Regional FSB familiar with the cases insisted that enquiries should be directed to the Taganrog branch. "The FSB does nothing – it is the court that decides," the officer – who would not give his name - told Forum 18 on 28 March.

Officers of the FSB in Taganrog told Forum 18 that its Deputy Head, Sergei Khitushko, had travelled to Rostov-on-Don on business on 28 March and was therefore unavailable. Khitushko had signed the report for the Investigator detailing alleged "crimes" by the Jehovah's Witnesses in the first of the two cases.

However, another Taganrog FSB officer – who would not give his name, but said he was familiar with the two criminal cases – insisted that other officers in addition to Khitushko had worked on preparing material. After he specified that the FSB counters "terrorism and extremism", the officer refused to specify to which category he believes Jehovah's Witnesses belong. He too stressed to Forum 18 on 28 March that the courts rather than the FSB would decide on the Jehovah's Witnesses' guilt.

"It is nonsense to say the Jehovah's Witnesses are persecuted here," the FSB officer told Forum 18. "Go out on the streets of

Taganrog and you can see them distributing literature." He refused to respond when Forum 18 pointed out that the case documents talk about the "illegal" distribution of Jehovah's Witness literature in Taganrog.

The telephone of Viktor Barkov of the Police's Anti-Extremism Centre in Rostov-on-Don went unanswered each time Forum 18 called on 28 March. His reports of alleged "crimes" by the Jehovah's Witnesses formed the bases for both cases. Barkov's boss, Aleksandr Grishanov, told Forum 18 on 28 March that he knew nothing about the two cases.

"Extremism"-related charges follow community's liquidation

All the Jehovah's Witnesses are being investigated under Article 282.2 of the Criminal Code ("Organisation of the activity of an extremist organisation"). Penalties for those convicted – which were slightly amended in December 2011 - include fines or imprisonment of up to three years, with possible further restrictions (see F18News 12 January 2012 http://www.forum18.org/Archive.php?article_id=1654).

The Taganrog Jehovah's Witness community was liquidated as "extremist" by Rostov-on-Don Regional Court in September 2009. The decision was upheld by Russia's Supreme Court in December 2009 (see F18News 8 December 2009 http://www.forum18.org/Archive.php?article_id=1385).

The community was officially liquidated on 27 January 2010. The building was confiscated from the community and remains sealed more than two years later.

Forum 18 notes that Jehovah's Witnesses the authorities have chosen to bring to criminal trial in Russia have generally faced charges 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 .. attitude to religion, .. conducted publicly or through the media"). However, as the Taganrog community has been specifically liquidated as "extremist", this has allowed the Investigator to launch criminal cases under Criminal Code Article 282.2, which carries higher possible penalties.

Raids

Ever since the main Taganrog community was liquidated, police have continued to investigate local Jehovah's Witnesses. During spring and summer of 2011, one officer, "feigning interest in the Bible", infiltrated a meeting and filmed it using a hidden video camera, Jehovah's Witnesses told Forum 18.

Since raids began in the early morning of 25 August 2011, at least twelve have taken place on Jehovah's Witness homes in Taganrog and nearby villages, Jehovah's Witnesses told Forum 18.

In the village of Matveyev-Kurgan the home of an elderly couple, Ivan and Anna Kumshatsky, was raided, despite the fact that the couple are over 70 and Anna Kumshatskaya is a registered invalid in a wheelchair.

The police seized religious literature regardless of whether it is on the Federal List of Extremist Materials or not, as well as computers, electronic storage media and congregation records.

A total of 68 Jehovah's Witness publications have already been banned by local courts and placed on the Federal List, making anyone distributing them or storing them with the intention of distributing them liable to criminal prosecution (see eg. F18News 21 June 2011 http://www.forum18.org/Archive.php?article_id=1582).

First criminal case

The first of the two criminal cases began after two separate "reports of a crime" were filed on 2 August 2011 by Barkov of the Police's Anti-Extremism Centre and by Khitushko, then acting head of the Taganrog FSB security service. They claimed that "unknown persons" had begun activity by Taganrog's Jehovah's Witness community, which had been banned through the courts.

On 5 August 2011, three weeks before the raids started, the first criminal case was launched, according to the document signed by Investigator Pustynnikov, seen by Forum 18. They are being investigated under 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").

The document notes that from April 2010, Jehovah's Witnesses rented a building for weekly meetings "at which those present were encouraged to refuse medical treatment to those in life-threatening or dangerous conditions, to the use of psychological methods which infringe on the personality, rights and freedoms of citizens, to the breaking up of families and family relations on the basis of religious convictions, to the refusal by citizens to carry out their civil obligations established by law, including to conduct service in the army, as well as to attract underage children into the activity of the organisation and to conduct other actions violating the Constitution of the Russian Federation".

Forum 18 notes that military service is not compulsory for young men, as Russian law provides for a civilian alternative service, which Jehovah's Witnesses freely choose. Jehovah's Witnesses pointed out that many of these other accusations are vaguely worded.

The document adds that "unknown" Jehovah's Witnesses also collected membership contributions and donations at the meetings, and distributed "jehovist" literature.

The document concluded that these actions constituted an offence under Article 282.2, Part 1, and launched the investigation against "unknown" Jehovah's Witnesses.

Later, four local Jehovah's Witnesses were named as suspects in this criminal case. Among them is the former head of the liquidated organisation, Nikolai Trotsyuk. One of those being investigated left Rostov-on-Don Region before he was officially informed he is a suspect. The other three – including Trotsyuk – have had to sign a pledge not to leave the area and have been questioned in the case.

On 12 August 2011, according to court documents seen by Forum 18, Investigator Pustyanikov gained the permission of a judge to search the Taganrog home of one of the four suspects, Aleksei Koptev, and his wife Lyubov, both of whom are in their sixties. The court agreed that "banned 'jehovist' literature", as well as membership lists of the liquidated community "of significance to the case" could well be found there. The same judge upheld a similar appeal to search Trotsyuk's home in Taganrog.

Second criminal case

Eleven separate "reports of a crime" were filed on 2 February 2012 by the same Barkov of the Police's Anti-Extremism Centre relating to eleven Taganrog Jehovah's Witnesses. Two days later, the criminal case was launched against eleven named Taganrog Jehovah's Witnesses, eight men and three women: Sergei Trotsyuk, Andrei Goncharov, Vladimir Moyseenko, Roman Voloshchuk, Vyacheslav Shchekalev, Oksana Goncharova, Kseniya Gorbunova, Tatyana Kravchenko, Karen Minasyan, Kirill Kravchenko and Vladislav Kruglikov (who is 17). Also under investigation with them are other "unidentified persons".

All are being investigated 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").

The document – seen by Forum 18 – claims that the suspects were intent on reviving the activity of the liquidated and banned religious organisation. It said they held meetings of its eleven subsidiary congregations, where a number of the suspects "propagandised for the exclusivity and superiority" of their faith "at the cost of denigrating other religions".

Some of the suspects were identified as having handed microphones to those asking questions in question-and-answer sessions, others as having delivered "pre-prepared sermons" on orders from the leadership of the banned Taganrog community. Others counted money collected from those present.

All this, Investigator Pustyanikov contends, constitutes a crime under Article 282.2, Part 2.

Several of the suspects have already been questioned in the investigation, Jehovah's Witnesses told Forum 18.

Strasbourg appeal

Taganrog's Jehovah's Witness community lodged an appeal to the European Court of Human Rights in Strasbourg on 1 June 2010, complaining about the Supreme Court's upholding of the liquidation of their community (Application No. 32401/10).

The Court has not yet ruled on whether the case is admissible.

Muslims face same charges

Muslims who read the works of the late Turkish Muslim theologian Said Nursi face "extremism"-related charges and trials on the same Criminal Code Article 282.2. A total of 19 of Nursi's works are now on the Federal List.

One criminal investigation now underway is against Kaliningrad resident Amir Abuev. The FSB Investigator is seeking to have him forcibly detained in a psychiatric facility for a psychiatric evaluation, after he refused to undergo one voluntarily (see F18News 26 March 2012 http://www.forum18.org/Archive.php?article_id=1683).

Four Jehovah's Witness criminal trials continue

"Extremism"-related criminal trials of four other Jehovah's Witnesses continue under Criminal Code Article 282, Part 1.

The criminal trial of Yelena Grigoryeva held its latest hearing on 28 March at Akhtubinsk District Court in the southern Astrakhan Region, the court website notes. Her trial began on 28 February, with further hearings throughout March (see F18News 5 March 2012 http://www.forum18.org/Archive.php?article_id=1675).

The criminal trial of Maksim Kalinin continues in the Republic of Mari-El, north-west of Kazan, at the regional capital of Yoshkar-Ola's City Court. The trial began on 25 January with further hearings in February and March, though Forum 18 could find no record of the case on the court website (see F18News 5 March 2012 http://www.forum18.org/Archive.php?article_id=1675).

The criminal trial of married couple, Andrei and Lyutsiya Raitin continues at Chita District Court, in Siberia. The trial began with a preliminary hearing on 22 December 2011 (see F18News 5 March 2012 http://www.forum18.org/Archive.php?article_id=1675). (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.ucoz.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://education.nationalgeographic.com/education/mapping/outline-map/?map=Russia>.

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