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RUSSIA: "Suddenly this case comes and they are regarded as law-breakers"

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

At least 16 raids took place early on 4 May on Jehovah's Witness homes and places of worship in five towns in Russia's Orenburg Region, Forum 18 News Service has learned. The raids followed criminal investigation on "extremism"-related charges. Orenburg Region Investigation Committee press secretary Anzhelika Linkova told Forum 18 on 15 May that "there are no specific suspects at the moment, the facts are being established". Jehovah's Witness spokesperson Grigory Martynov commented to Forum 18 on 14 May that "they have legally existed there for some two decades, and suddenly this case comes and they are regarded as law-breakers – it is all nonsense". Elsewhere, in Russia's Baltic exclave of Kaliningrad, the FSB security service is continuing its attempts to prosecute Amir Abuev, a Muslim who reads Said Nursi's works, and to subject him to psychiatric examination. Abuev told Forum 18 after the latest summons for psychiatric examination that "I don't intend to go". And in Dagestan in the North Caucasus, Nursi reader Ziyavdin Dapayev continues to challenge a court order that around 70 Muslim books confiscated from him should be destroyed.

At least 16 raids were launched early on 4 May on Jehovah's Witness homes and places of worship in five towns in Russia's Orenburg Region, officials and Jehovah's Witnesses told Forum 18 News Service. The raids in the southern Urals region followed criminal investigation on "extremism"-related charges against local Jehovah's Witnesses, at the apparent instigation of the FSB security service. Jehovah's Witnesses were particularly upset by one of the raids, on an elderly couple's home including a search of the home lasting 15 hours.

Orenburg Region Investigation Committee press secretary Anzhelika Linkova told Forum 18 on 15 May that "there are no specific suspects at the moment, the facts are being established". Jehovah's Witness spokesperson Grigory Martynov commented to Forum 18 on 14 May that any of their adherents in Orenburg Region could now be suspects. "They have legally existed there for some two decades, and suddenly this case comes and they are regarded as law-breakers – it is all nonsense".

Elsewhere in Russia criminal trials and investigations on "extremism"-related charges continue elsewhere against both Jehovah's Witnesses and Muslims who read the works of the late Turkish Muslim theologian Said Nursi (see eg. F18News 28 March 2012 http://www.forum18.org/Archive.php?article_id=1685). Jehovah's Witness lawyer Viktor Zhenkov has noted that, in many Russian regions, such criminal cases launched amid "great fanfare" are subsequently dropped or fail in court.

So far 68 Jehovah's Witness publications and 19 of Nursi's works in Russian translations have been banned by local courts and placed on the Justice Ministry's Federal List of Extremist Materials. This makes 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).

However, official attempts to have a key Hare Krishna work, the Bhagavad-Gita As It Is, declared extremist and placed on the Federal List were again rejected by a court in the Siberian city of Tomsk on 21 March (see F18News 21 March 2012 http://www.forum18.org/Archive.php?article_id=1682).

"At least 16" simultaneous raids

The raids on Jehovah's Witness homes and places of worship in five towns in Orenburg Region – Buguruslan, Buzuluk, Orsk, Yasny and Orenburg itself – began in the early morning of 4 May. Jehovah's Witnesses told Forum 18 of "at least 16" such raids, with sometimes masked officers climbing over fences, breaking down doors and smashing windows to gain entry. The Orenburg Region Investigation Committee spoke of "more than 15" in a statement posted on its website the day after the raids. It said the raids were conducted by its officials, together with police and FSB security service officers.

Jehovah's Witnesses told Forum 18 that some of the raids involved masked spetsnaz officers. These are normally tasked with roles such as counter-terrorism. Jehovah's Witnesses supplied a photo showing two men wearing balaclavas and dark coloured clothing and boots. Visible on the jacket of the man with his back turned towards the camera is the word "spetsnaz" and a badge on his right

arm reading "Special designation Unit, Interior Ministry". Jehovah's Witnesses state that the photo was taken during one raid on 4 May, in the yard of their Kingdom Hall in Orenburg.

"Does this mean that officials now regard the Bible as a threat?"

Books, computer discs and hard drives, photo albums and personal notes, as well as other personal documents were seized. "Bibles, our publications even dating back to the 1980s, as well as the Koran and other non-Jehovah's Witness literature were taken – whole libraries," Jehovah's Witness spokesperson Grigory Martynov complained to Forum 18 on 14 May. "Officers even ignored believers' requests to leave at least one copy of the Bible."

Martynov pointed out that older Jehovah's Witnesses recall that in the last decade of the Soviet system, copies of the Bible were not seized during police or KGB secret police raids. "Does this mean that officials now regard the Bible as a threat?"

15-hour raid on elderly couple

Jehovah's Witnesses are particularly upset by a raid on the home of an elderly married couple in Buguruslan, which began at 7 am and involved twelve officers. The wife is bedridden, has suffered several strokes and is also suffering from Alzheimer's disease. Also living with them is their daughter and her handicapped son. The search did not finish until 10 pm at night.

Among those leading the raid was Nikolai Svetlov, Head of the Investigation Committee in Buguruslan. Jehovah's Witnesses complained to Forum 18 that while the couple's home was searched, officers – without telling anyone – broke into the neighbouring private home and took away valuable property. Officers drew up a search record, but refused to give it to the victims to sign. This is illegal under Russian law, but has often happened during such raids (see eg. F18News 5 March 2010 http://www.forum18.org/Archive.php?article_id=1417).

Svetlov declined absolutely to discuss anything with Forum 18 on 15 May. Asked why he had led a 15-hour raid on an elderly couple's home he put the phone down. He repeatedly put down the phone each time Forum 18 called.

"We have four traditional religions – Orthodoxy, Islam, Judaism and Buddhism"

The duty officer at Orenburg Region FSB security service – who appeared familiar with the raids – declined absolutely to discuss the FSB's role in them with Forum 18 on 14 May. The officer – who would not give his name – referred all enquiries to the regional Investigation Committee as "they are handling the case".

However, Vladimir Kakurin, a press officer at the Orenburg Region Police, defended the raids. "All was in accordance with the Constitution," he told Forum 18 on 14 May. "The regional Anti-Extremism Centre, together with the FSB, have been studying this group for more than one year and have found it to be extremist." Asked why the police believe Jehovah's Witnesses are extremist, he replied: "They had literature on the Federal List of Extremist Materials." Asked about the nature of this "extremism", for example whether Jehovah's Witnesses have killed anyone, Kakurin said they had not. "But it's not excluded that in future they'll kill or attack someone."

Asked why masked Interior Ministry spetsnaz officers had taken part in the raids, Kakurin responded: "This is their usual practice so that no-one can see who they are. Some of them have been on operations in Chechnya. But not all the police were in masks." Kakurin said he did not know how many police officers had been involved in the raids or how many hours of police time had been taken up on the case.

Kakurin said that "thank God" he had not read any Jehovah's Witness literature. "I'm quite satisfied with the Bible. I've also read the Koran," he told Forum 18. "We have four traditional religions – Orthodoxy, Islam, Judaism and Buddhism."

Criminal case launched

The criminal investigation was launched on 28 April, according to the official record seen by Forum 18, but only when the raids took place did local Jehovah's Witnesses learn of this. The record was drawn up by Viktor Sidelev, the Investigator for Especially Dangerous Cases of the Investigation Committee's Department for Investigating Especially Dangerous Cases. It appears he is also leading the investigation. He noted that the case had been prepared on the basis of a report by the FSB security service and the police. Both were informed the same day as "interested parties" that the criminal investigation had been launched.

The warrant to search the home of an Orenburg-based Jehovah's Witness, also seen by Forum 18, was approved by Judge Yelena Bakhareva of the city's Lenin District Court on 2 May. The request was submitted by Sidelev.

It was only on 5 May, when the Orenburg Region Investigation Committee published a statement on its website, that it became publicly known that a criminal investigation had been launched "on the fact of extremist activity by the Jehovah's Witness religious organisation in the town of Orenburg and Orenburg Region". The investigation is under Article 282, Part 1 of the Criminal Code

("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").

Article 282 and related "anti-extremism" legislation has systemic problems, as noted in a commentary by Alexander Verkhovsky of the SOVA Center at F18News 19 July 2010 http://www.forum18.org/Archive.php?article_id=1468. Article 282 was slightly changed to increase punishments in December 2011, and remains the usual choice of prosecutors seeking to punish Jehovah's Witnesses exercising their freedom of religion or belief (see F18News 10 January 2012 http://www.forum18.org/Archive.php?article_id=1653).

In June 2011, Russia's Supreme Court made it clear that cases under "extremism"-related Articles of the Criminal Code should be very carefully and narrowly framed. But this has not stopped cases against Muslim readers of Nursi's works and Jehovah's Witnesses (see F18News 19 July 2011 http://www.forum18.org/Archive.php?article_id=1594).

"Results of operational-investigation activity"

The Investigation Committee said that "several local residents" organised local Jehovah's Witness activity between June 1994 and April 2012. During this time, they had conducted "mass religious events", during which "statements were made directed at inciting hatred and enmity, as well as the humiliation of an individual or group of persons on the basis of attitude to religion". The Investigation Committee also alleged that local Jehovah's Witnesses also distributed literature "containing characteristics of extremism".

The Investigation Committee said the criminal investigation had been launched on the basis of materials from the Orenburg Region FSB and "results of operational-investigation activity by the Anti-Extremism Centre of Orenburg Region Interior Ministry". It said officers from these two organisations had taken part in the 4 May raids, during which items of "evidential significance for the case, including extremist literature".

Internal government documents have revealed that moves against Jehovah's Witnesses and Muslim readers of Nursi's works are co-ordinated at a high state level. Both have been targeted in ways that suggest that their believers and communities are closely watched by the police and FSB security service - both within and outside their communities (see F18News 12 August 2010 http://www.forum18.org/Archive.php?article_id=1478).

"Suddenly this case comes and they are regarded as law-breakers"

Both the Investigation Committee statement and Orenburg Region Investigation Committee press secretary Anzhelika Linkova said that no named individuals are being investigated. "There are no specific suspects at the moment, the facts are being established," Linkova told Forum 18 from Orenburg on 15 May.

Jehovah's Witnesses remain worried that any of their several thousand adherents in Orenburg Region could now be regarded as suspects. "They have legally existed there for some two decades, and suddenly this case comes and they are regarded as law-breakers – it is all nonsense," Martynov told Forum 18.

Linkova declined to give any other information by phone. Forum 18 asked her in writing the same day which government agency had initiated the case, who had organised the 4 May raids and when the investigation is expected to be concluded. Forum 18 had received no response by the end of the working day in Orenburg on 16 May.

Psychiatric examination for Nursi reader

Meanwhile, in Russia's Baltic exclave of Kaliningrad, the FSB is continuing its attempts to prosecute Amir Abuev, a Muslim who reads Nursi's works. FSB investigator Lieutenant Artyom Voychenko, who is leading the case, summoned him on 11 May and handed him a written order to present himself for a psychiatric examination the following day. "He gave me no reason for the examination," Abuev told Forum 18 from Kaliningrad on 15 May. He said after he failed to attend, Voychenko handed him a further such order on 15 May. "I don't intend to go," Abuev insisted.

The FSB has since 16 March been seeking to subject Abuev to psychiatric examination. "They're trying to prove he is mad, but he is a perfectly sane individual," his lawyer Sergei Sychev told Forum 18 (see F18News 26 March 2012 http://www.forum18.org/Archive.php?article_id=1683).

Investigator Voychenko refused once again to discuss Abuev's case. "We agreed with you that our collaboration with you has finished," he told Forum 18 from Kaliningrad on 15 May. He then put the phone down.

A criminal case was launched against Abuev on 10 February 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").

Article 282.2, which was slightly changed in December 2011, remains the usual choice of prosecutors seeking to punish Muslim readers of Nursi's works exercising their freedom of religion or belief (see F18News 12 January 2012 http://www.forum18.org/Archive.php?article_id=1654).

On 11 February Abuev's flat was raided by the FSB security service as he and seven friends were preparing to start the namaz (prayers). Books, a computer and mobile phones were confiscated after an eight-hour search. Participants were questioned all night, while Abuev was detained for about 48 hours. On 13 February and 5 March, courts rejected the FSB's request to have him held in pre-trial detention. On 5 March, Abuev discovered his car had been tampered with. On 19 March, Investigator Voychenko ordered his local lawyer to sign an order banning them from discussing the case publicly until the investigation is completed (see F18News 26 March 2012 http://www.forum18.org/Archive.php?article_id=1683).

Is criticism of Orthodox "extremism"?

After Maksim Yefimov wrote a 160-word article criticising the Russian Orthodox Church in the north-western Karelia Region, prosecutors have brought an "extremism" case against him in the Karelian capital Petrozavodsk. The article, published on the website of his organisation Youth Human Rights Group of the Republic of Karelia on 31 December 2011, is entitled "Karelia is tired of priests", and refers to "the Orthodox breed". It alleges that the "total corruption, oligarchy and the total power of the security services is connected with the rebirth of the Russian Orthodox Church". It also alleges that Orthodox churches are being built with state funds and that the handover of former kindergarten buildings to the Church has left a severe shortage.

Yefimov is being investigated under Criminal Code Article 282, Part 1, in a case launched by the local Investigation Committee on 5 April, according to case documents posted on his Livejournal blog and the local media. Konstantin Spongar of the FSB security service was also involved. Yefimov's home was searched in the night of 10 - 11 April and on 12 May a judge approved prosecutors' request to have him placed in a psychiatric hospital in the village of Matrosy for an enforced examination. Yefimov is appealing against the decision – which would otherwise come into force 10 days after being handed down – to Karelia's Supreme Court.

"According to the acting head of Karelia's Investigation Committee [Dmitry Vasko], the author of the article used the expression where believers are called 'the breed', and solely on this basis was the criminal case launched," Yefimov's lawyer Olga Rybalova wrote in a public statement. She said prosecutors argue that this constituted incitement to hatred or enmity against Orthodox believers, but she rejects this.

Marked contrast

In marked contrast to the Investigation Committee's actions, Orthodox Archbishop Manuil (Pavlov) of Petrozavodsk and Karelia invited Yefimov for what the diocesan secretary described as an "informal meeting". Following this, Yefimov's account of the 23 March meeting recounted no complaints from the Archbishop against him. The Orthodox Church has not initiated any civil action against Yefimov on accusations of slander or any other charge. Yefimov's lawyer Rybalova said that neither the Diocese nor any priest have complained about the original article.

Forum 18 has been unable to find out why the Karelia FSB security service and Investigation Committee decided to take action against Yefimov. The FSB duty officer referred Forum 18 to the office of its head. However, the officer who answered the phone on 15 May declined to discuss the case and referred Forum 18 to press officer Pyotr Konovalov. However, his office told Forum 18 on 16 May that he was off sick. No-one else could answer Forum 18's questions.

Book destruction upheld

In Dagestan in the North Caucasus, the republic's Supreme Court has rejected an appeal by Nursi reader Ziyavdin Dapayev against a lower court order that around 70 Muslim books confiscated from him should be destroyed, while others should be retained in the case files. Dapayev fears these books too might also eventually be destroyed. Judge Abdulnasir Gimbatov rejected his appeal on 5 May, the court website notes.

Judge Patimat Dadayeva of Makhachkala's Lenin District Court had ruled on 19 March that about 70 copies of 15 different titles by Nursi, which are on the Federal List, should be destroyed. She also ruled that 945 copies of books which are not on the Federal List – which Dapayev was hoping would be returned – were to be retained in the case files (see F18News 21 March 2012 http://www.forum18.org/Archive.php?article_id=1682).

Dapayev intends to challenge the 5 May decision to the Presidium of Dagestan's Supreme Court, his lawyer Murtazali Barkayev told Forum 18 from Makhachkala on 15 May. He said he will lodge the challenge as soon as the written decision – which is handed out through the lower court – has been issued. (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 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.

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.

More 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>.

If you need to contact F18News, please email us at:
[f18news @ editor.forum18.org](mailto:f18news@editor.forum18.org)

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY