

31 July 2012

RUSSIA: "A completely innocent person can be subjected to criminal prosecution"

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

"Extremism"-related criminal cases in Russia against Muslims who read the works of theologian Said Nursi and Jehovah's Witnesses are continuing. In the latest moves, two of four Jehovah's Witnesses facing prosecution in Chuvashia were on 30 July ordered to be detained until their trial. A further six community members are now also suspects in the criminal case. Also that day but in a separate case, prosecutors have appealed against the acquittal of another Jehovah's Witness on "extremism" charges. These moves follow the sentencing on 27 July of two Jehovah's Witnesses, Andrei and Lyutsia Raitin, to 200 hours community service each. Jehovah's Witnesses point out that "the verdict on the Raitins confirms the fact that anti-extremist laws are highly vague, which leads to the risk that a completely innocent person can be subjected to criminal prosecution".

"Extremism"-related criminal cases in Russia against Muslims who read the works of the late Turkish theologian Said Nursi and Jehovah's Witnesses are continuing. In the latest moves, investigators in the Chuvash Republic, on the River Volga west of Kazan, have succeeded through the courts in having two of four Jehovah's Witnesses facing prosecution held in pre-trial detention, Forum 18 News Service has learned. A further six community members are now also suspects in the criminal case. The move comes after two Jehovah's Witnesses, Andrei and Lyutsia Raitin, were on 27 July each given 200 hours' community service. And in a separate case, prosecutors on 30 July have appealed against the acquittal of another Jehovah's Witness on "extremism" charges.

Jehovah's Witnesses point out that the sentencing to community service of the Chita-based husband and wife the Raitins is the third such criminal verdict on their members in "extremism"-related trials. The previous two trials eventually ended with acquittals. "The verdict on the Raitins confirms the fact that anti-extremist laws are highly vague, which leads to the risk that a completely innocent person can be subjected to criminal prosecution."

Pre-trial detention

Four Jehovah's Witnesses living in various towns in the Chuvash Republic were detained in separate raids on 26 July, Jehovah's Witnesses told Forum 18. The cases against them are being led by Investigator Aleksandr Sotnikov.

At about 7.30 am, Aleksei Nikolaev was detained at his home in Cheboksary and Igor Yefimov at his place of work. Andrei Martynov was detained later that morning when he responded to a summons to the Investigative Committee. Also detained and taken to the Investigative Committee that day was Andrei Nikolaev (not apparently related). All four were ordered detained for 48 hours.

Investigators then sought to have the four men held in pre-trial detention. On 27 July, Cheboksary's Moscow District Court ruled to extend the men's detention by three days, until 30 July.

At new hearings on 30 July, after the four had been held for five days, the court rejected prosecutors' attempts to have Andrei Nikolaev and Martynov held in prison until the trial. In the evening, a different Judge at the court ruled that Yefimov and Aleksei Nikolaev should be held in pre-trial detention.

Investigator Sotnikov's telephone was answered in the evening of 30 July. But when Forum 18 asked why the two men had been ordered held in pre-trial detention, and why all four had been held for five days, the line remained silent. After nearly a minute the phone call was terminated by the person who answered it.

The men's lawyers insist that the decision to hold peaceful religious believers in pre-trial detention is unfounded and wrong," they told Forum 18 after the court decision. "The men have always appeared in good conscience when the Investigator summoned them." They said the men would appeal against the detention order.

Yefimov's and Andrei Nikolaev's homes, along with others in Chuvashia, had previously been searched on 7 September 2011 (see F18News 24 October 2011 http://www.forum18.org/Archive.php?article_id=1629). That month, a criminal case had been launched

against Aleksei Nikolaev under Article 282, Part 1.

Chuvashia's Jehovah's Witnesses again faced house searches on 10 February and 16 March. One Jehovah's Witness, 71-year-old Irina Korneva, had her flat searched a second time on 16 March by three police officers claiming to be checking up on the electricity supply, Jehovah's Witnesses complained to Forum 18. They confiscated her religious literature.

Ten criminal cases

Jehovah's Witnesses learnt on 27 July that a further six "extremism" criminal cases had been opened in Chuvashia against their members, under various parts of Article 282 and Article 282.1. They insisted to Forum 18 that the eight men and two women now suspects in the criminal investigation were merely conducting "the usual preaching activity which is the hallmark of Jehovah's Witnesses".

A 30 July press release on the Chuvash Republic Investigation Committee website noted that the cases against the ten resulted from a joint operation of the FSB security service, the Police's Anti-Extremism Centre and the Investigation Committee. It said the cases against the ten had been joined into one criminal case.

The Investigation Committee claimed that the ten "suspects, positioning themselves as supporters of the Jehovah's Witness organisation, follow the aim of spreading their world views which are based on the rejection and critique of traditional cultural, moral and religious values" with the aim of inciting hatred and discord between themselves and "those professing other religions".

"People have suffered" - but who suffered?

Investigator Sotnikov declined to discuss the cases. "I can't give you any commentary," he told Forum 18 on 26 July. He referred Forum 18 to the Investigation Committee spokesperson Oleg Dmitriev. Reached again on 27 July and asked about the court hearing to have the Jehovah's Witnesses held in pre-trial custody, Sotnikov laughed and put the phone down.

Dmitriev noted that the four Jehovah's Witnesses are suspects at present. "The court will determine their guilt or otherwise," he told Forum 18 on 26 July. He insisted that "people have suffered from their activity", but declined to specify how. Asked whether the four are suspected of murder, physically attacking people or stealing from them, Dmitriev responded: "No, it's not a question of that. But people's rights have been violated." Asked if any alleged victims had ended up in hospital, he replied: "No."

Asked if the Investigation Committee could help Forum 18 find the alleged victims of the four's activity, Dmitriev responded: "We don't have the right to give details of victims."

Dmitriev insisted that the Investigation Committee is not "fulfilling the orders of the FSB security service. "We're not subject to the FSB," he told Forum 18.

Told that two long-running criminal trials of other Jehovah's Witnesses on the same charges ended in acquittals, Dmitriev responded: "Government agencies can make mistakes."

"Sentenced despite the absence of proof of any offence"

After a seven month trial, a Siberian court has sentenced a Jehovah's Witness husband and wife, Andrei and Lyutsia Raitin, to 200 hours of community service each after finding them guilty of "extremism".

Judge Vera Popova of Chita District Court found the Raitins guilty of violating Article 282, Part 1 of the Criminal Code. She handed down the verdict on 27 July at the 31st hearing in the case, the court website notes. The trial began on 22 December 2011, with hearings in every month since then (see F18News 10 January 2012 http://www.forum18.org/Archive.php?article_id=1653).

"They were sentenced despite the absence of proof of any offence," Jehovah's Witnesses insisted to Forum 18. "The Raitins' lawyers insist on their innocence and will work to overturn this decision." They stress that the verdict has not yet come into legal force.

The Raitins' lawyers complain of "serious violations" by the prosecution side during the preparation of the case "which cast doubt on the objectivity of the way the case was considered and the securing of their rights to a fair legal procedure". They complain that Prosecutor Denis Kovylychenko displayed "open prejudice" towards the Raitins' religious views and tried to discredit witnesses who spoke in their defence. They accuse the Judge of failing to prevent such conduct (see F18News 5 March 2012 http://www.forum18.org/Archive.php?article_id=1675).

The Raitins' lawyers also note that, questioned in court, FSB security service officer Dmitry Dogadin and investigator Anatoly Tskhai admitted that documents in the case had been drawn up in serious violation of the Criminal Procedure Code.

Forum 18 reached Investigator Tskhai on 27 July after the verdict was handed down. However, he repeatedly put the phone down.

Appeal against Yoshkar-Ola acquittal

On 30 July Prosecutors in the Mari-El Republic, north-west of Kazan, appealed against the acquittal of Jehovah's Witness Maksim Kalinin on "extremism" charges under Criminal Code Article 282, Part 1, Jehovah's Witnesses told Forum 18 on 31 July. The appeal against the acquittal was made on the last of the 10 days Article 356, Part 1 of the Criminal Procedural Code allows for this.

Judge Sergei Makarov of Yoshkar-Ola City Court had acquitted Kalinin on 20 July, Jehovah's Witnesses and Prosecutors told Forum 18. For unknown reasons, the court website does not list the case on that day's hearings. Kalinin's trial began on 25 January, with repeated hearings since then (see F18News 5 March 2012 http://www.forum18.org/Archive.php?article_id=1675).

"I am grateful to Judge Sergei Makarov for having the courage to declare white white," Jehovah's Witnesses quoted Kalinin as declaring on the day of his acquittal. "Because there is no way to measure the sufferings caused to a person by unfair accusations."

FSB surveillance

The trial followed FSB surveillance of local Jehovah's Witnesses begun in 2009. In August 2010 private homes, and a Jehovah's Witness worship service in Yoshkar-Ola at which Kalinin was present, were raided. Among the evidence was FSB security service surveillance "using a hidden camera in his home without his knowledge", as well as FSB tapping of telephone calls made by seven other Jehovah's Witnesses, according to court documents (see F18News 26 August 2010 http://www.forum18.org/Archive.php?article_id=1480).

One court to another

Prosecutors and courts in Orenburg appear not to be able to decide where the criminal trial on "extremism"-related charges of local Muslim Ramil Latypov should be held. The 25-year-old Latypov is a reader of the works of the late Turkish Muslim theologian Said Nursi. The case against him was launched in 2010, a year after he with other Nursi readers was raided by Orenburg's Organised Crime Police and the FSB security service (see F18News 16 July 2009 http://www.forum18.org/Archive.php?article_id=1328).

Judge Aleksandr Artamonov of the city's Lenin District Court ruled on 8 June that the case against Latypov should be transferred to a Magistrate at Lenin District's Judicial Unit No. 10 (see F18News 19 June 2012 http://www.forum18.org/Archive.php?article_id=1713).

The court chancellery told Forum 18 that it transferred the case to the Judicial Unit on 21 June. However, on 28 June, the Magistrate at Lenin District's Judicial Unit No. 10 ruled that as the alleged offence had taken place in the territory of Orenburg's Central District Judicial Unit No. 5 the case was to be transferred there, an official of Judicial Unit No. 10 told Forum 18. She said that prosecutors had challenged the transfer decision, so this appeal will be heard by Lenin District Court. Officials at Lenin District Court told Forum 18 on 25 July that the prosecutors' appeal against the transfer decision had not yet arrived.

"We appealed because Judicial Unit No. 10 took the decision to transfer the case in the absence of any Prosecutor's office representatives," a Deputy District Prosecutor Yelena Akimova told Forum 18 on 25 July. However, she refused to explain precisely which Criminal Code Article Latypov is facing or give any other details of the case.

What is the charge?

Lenin District Court initially identified the Article Latypov is facing trial under as Article 282.2, Part 1. The website of Judicial Unit No. 10, however, identified it as Article 282.1, Part 1 (though it did not name Latypov officials confirmed to Forum 18 that this was the case referred to). The accusation of "organising an extremist organisation" carries heavy punishment. Officials told Forum 18 that the evidence in the case amounts to six volumes.

Charges unveiled against imams

The indictments against two imams in Siberia have now been made known. On 24 July, Novosibirsk Region Investigation Committee summoned Kamil Odilov, where he was shown the indictment against him and fellow Muslim Ilham Merazhov under Criminal Code Article 282.2, Part 1.

The indictment - drawn up by Investigator "for especially dangerous cases" Stanislav Leiba and seen by Forum 18 - accuses the two men of urging local residents to study Nursi's works and of spreading his teachings. It accuses them of thus promoting Nurdzhular, an organisation banned by Russia's Supreme Court in April 2008. Nursi readers insist no such organisation exists (see F18News 29 May 2008 http://www.forum18.org/Archive.php?article_id=1136).

In an allegation that particularly upsets Merazhov, the two were accused of teaching named individuals "with the aim of the gradual transformation of the personality and a change of the world outlook in accordance with the ideology of the teaching of the extremist

international religious association Nurdzhular, and the formation of new life values, convictions, stereotypes of conduct, and a change in the subjective reality of the personality, its system of values and convictions, and the inter-relations in society".

The indictment lists numerous works by and about Said Nursi confiscated from the two men.

Merazhov was summoned to the Investigation Committee for 30 July to be presented with the same indictment, he told Forum 18 from Novosibirsk on 24 July. "This is slander against official imams and repression of them," he complained. He and Odilov accused Investigator Leiba of "acting according to his own inner convictions, 'conscience' and law in presenting fabricated accusations".

Trouble began for the two in October 2011, when their homes were raided and religious literature confiscated and the criminal cases were launched (see F18News 14 October 2011 http://www.forum18.org/Archive.php?article_id=1625). Odilov had in June 2010 been stopped at the train station in Novosibirsk, suspected of intending to distribute Nursi literature. Police Colonel Aleksandr Trubitsyn detained Odilov as he got off a Krasnoyarsk-Novosibirsk train and escorted him to the local police Counterextremism Department (see F18News 27 July 2010 http://www.forum18.org/Archive.php?article_id=1470).

Blogger flees Russia

Blogger Maksim Yefimov, from Petrozavodsk in the north-west, has fled Russia, he announced on his LiveJournal blog on 24 July. He said he had crossed via Ukraine into Poland. He added that he is now on a Russian federal wanted list. In a case which has involved the FSB security service and the Karelian Investigation Committee, prosecutors had sought to have him held for compulsory psychiatric examination in a psychiatric hospital.

However, on 28 June Karelia's Supreme Court overturned the lower court decision authorising this, sending the suit back for a new lower court hearing. At the new hearing, the Investigation Committee withdrew its suit.

Yefimov is being investigated under Criminal Code Article 282, Part 1, in a case launched on 5 April. He is accused of incitement to hatred or enmity against Russian Orthodox Church believers after a critical article about the local Church on a website. In marked contrast to the authorities, the Orthodox Church has not initiated any civil action against Yefimov on accusations of slander or any other charge (see F18News 16 May 2012 http://www.forum18.org/Archive.php?article_id=1701).

Criminal Code articles

Jehovah's Witnesses are usually prosecuted under Article 282, Part 1 of the Criminal Code. This punishes: "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". Punishments for this offence were increased in December 2011 (see F18News 10 January 2012 http://www.forum18.org/Archive.php?article_id=1653).

Muslims who read Nursi's works generally face charges under Criminal Code Article 282.2.

Article 282.2, Part 1 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".

Article 282.2, Part 2 punishes "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 maximum punishment under Part 1 of this Article is three years' imprisonment, and under Part 2 two years' imprisonment. This Article was also changed in December 2011 (see F18News 12 January 2012 http://www.forum18.org/Archive.php?article_id=1654). (END)

For more background, see Forum 18's surveys of the general state of religious freedom in Russia at http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY