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RUSSIA: Religious festival raided, two-year investigation, criminal trials, one fine

By Victoria Arnold, Forum 18 (<https://www.forum18.org>)

Exactly two years after police raided two Muslim homes in Russia's Siberian city of Krasnoyarsk during celebrations of the end-of-Ramadan festival of Eid-ul-Fitr, criminal charges of "extremism" have been dropped against Yelena Gerasimova as the two-year statute of limitations for prosecutors and courts to complete cases has expired. The other home-owner, Tatyana Guzenko, was fined three months' average local wages, a fellow Muslim told Forum 18 News Service. Also in Krasnoyarsk, the criminal trial of three other Muslims on similar charges began in July and is due to resume on 8 September. The criminal re-trial of 16 Jehovah's Witnesses for continuing to meet after their community in Taganrog was banned through the courts is due to resume on 7 September.

The two-year investigation and criminal trials in Russia's Siberian city of Krasnoyarsk of two Muslim women whose homes were raided by police during end-of-Ramadan celebrations in August 2013 have at last come to an end, Forum 18 News Service has learned. One received a fine equivalent to three months' average local earnings, while separate proceedings against the other were dropped after the prosecution ran out of time. Prosecutors had accused the two of leading a "women's cell" of the banned "extremist" organisation Nurdzhular.

Meanwhile, another criminal trial began in Krasnoyarsk in July against three men also accused of involvement in Nurdzhular, which Muslims in Russia deny has ever existed (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

Criminal proceedings also continue against 16 Jehovah's Witnesses in Taganrog in southern European Russia. All 16 are charged with "extremist" activity for continuing to exercise their right to freedom of religion or belief by meeting for Bible study after their community was dissolved. Their re-trial has been underway since January, but a Jehovah's Witness spokesperson told Forum 18 on 18 August that they do not expect a verdict for "at least another couple of months".

Court-ordered religious community "liquidations"

The Taganrog community is one of two Jehovah's Witness communities which currently appear on the Justice Ministry's list of outlawed "extremist" organisations (the other was banned in Samara). A third, in the town of Abinsk, is expected to appear on the list soon, after the Supreme Court upheld Krasnodar Regional Court's liquidation ruling on 5 August. A fourth, in Cherkessk in the North Caucasus, is also in danger of enforced dissolution (see F18News 28 August 2015 http://www.forum18.org/archive.php?article_id=2095).

Prosecutors' attempts to liquidate religious organisations frequently derive from accusations of "extremism", themselves based on convictions (of an organisation or its members) under Administrative Article 20.29 ("Production or mass distribution of extremist materials"). In addition to the Jehovah's Witness communities outlawed in this way, one Muslim community – in Borovsky village in Tyumen Region – has been liquidated on the same grounds.

Krasnoyarsk – one fine, one case dropped

Prosecutors in Krasnoyarsk claimed that local Muslim Tatyana Guzenko, 50, and her fellow accused, 35-year-old Yelena Gerasimova, ran a "women's cell" of Nurdzhular in the city and fostered contacts with members in Tatarstan (something Muslims there have denied to Forum 18). They were both charged under Criminal Code Article 282.2, Part 1 ("Organisation of an extremist organisation").

Judge Svetlana Vladimirtseva of Krasnoyarsk's Soviet District Court found Guzenko guilty on 3 July. She fined her 100,000 Roubles (11,500 Norwegian Kroner, 1,200 Euros or 1,400 US Dollars), a fellow Muslim who reads the works of Said Nursi told Forum 18. This represents nearly three months' average local wages, according to figures from the Krasnoyarsk branch of the Federal State Statistical Service.

Possession of the late Turkish theologian's writings, many of which have been outlawed in Russia as allegedly "extremist", is frequently taken by investigators to be evidence of membership in Nurdzhular.

In a press release on 13 August, Krasnoyarsk Regional Investigative Committee described the alleged cell as having "a positive perception of death, combined with the willingness to sacrifice oneself for the sake of [Nursi's] teachings".

Numerous lower courts have ruled that various Russian translations of Nursi's writings (as well as other Muslim and Jehovah's Witness texts) are "extremist" – on questionable grounds – and have had them added to the Justice Ministry's Federal List of Extremist Materials (see F18News 27 July 2015 http://www.forum18.org/archive.php?article_id=2084). Individuals, religious communities, or businesses found distributing works on the Federal List are liable to prosecution.

Guzenko's conviction was upheld on appeal at Krasnoyarsk Regional Court on 31 July and the fine remained unchanged, although some aspects of the decision were amended, Soviet District Court spokesperson Anna Sheludko confirmed to Forum 18 on 19 August.

On 10 August, the case against Gerasimova was dropped as two years had passed since the alleged "crime" was detected and the statute of limitations had therefore expired, court spokesperson Sheludko explained.

Since 3 February 2014, the minimum fine for offences under Article 282.2, Part 1 ("Organisation of an extremist organisation"), has been 300,000 Roubles and they are considered "serious crimes". This means prosecutors and courts now have ten years, rather than two, in which to complete cases (see F18News 11 February 2014 http://www.forum18.org/archive.php?article_id=1927).

Guzenko and Gerasimova, however, were tried under the previous regulations as their alleged "crimes" took place before the law was amended, and so were liable for a maximum fine of 300,000 Roubles and subject to a two-year statute of limitations (for low-seriousness offences).

Muslim festival raid

The prosecution of the two women began after law enforcement raids on their homes as they celebrated the major end-of-Ramadan festival Eid-ul-Fitr on 8 August 2013. Gerasimova's home was searched for five hours and her family's guests were not permitted to leave. Gerasimova (who is a lawyer) noted a number of procedural violations (see F18News 21 October 2013 http://www.forum18.org/archive.php?article_id=1888).

Hearings began in November 2014 after the case had been passed around the Krasnoyarsk court system for several months (see F18News 20 November 2014 http://www.forum18.org/archive.php?article_id=2017). Later, Gerasimova came to be tried separately when her pregnancy caused her to be absent from court on several occasions (see F18News 27 May 2015 http://www.forum18.org/archive.php?article_id=2066). Proceedings against her were apparently passed again between the district and magistrate's court systems before she eventually came before Judge Tatyana Sokolkina of Soviet District Court. During her absences she was placed on the Interior Ministry's wanted list, but has since been removed.

Guzenko does not yet appear on the Federal Financial Monitoring Service (Rosfinmonitoring) list of "terrorists and extremists", but Gerasimova's name remains on the list as of 24 August.

Krasnoyarsk – on trial for second time

The expiry of a criminal case because time has run out does not guarantee that defendants will not be prosecuted again for the same offence. Andrei Dedkov, another Krasnoyarsk Muslim who reads Nursi's works, is currently on trial for the second time in five years under Criminal Code Article 282.2, Part 1 ("Organisation of an extremist organisation").

An earlier case against Dedkov and three other men was dropped in early 2012 (see F18News 5 March 2012 http://www.forum18.org/archive.php?article_id=1675).

Two other Krasnoyarsk residents – Aleksei Kuzmenko and Azerbaijani-born Ismat Agdzhayev are being tried alongside Dedkov under the lesser charge of participation in "extremist" activity (Criminal Code Article 282.2, Part 2). The first hearing in the case took place on 24 July, before Judge Yevgeny Repin went on holiday, a fellow Muslim told Forum 18 on 6 August. Proceedings are due to resume on 8 September, according to the Soviet District Court website.

The Siberian Federal District Investigative Committee's investigation of 35-year-old Dedkov, 32-year-old Kuzmenko and 18-year-old Agdzhayev has been underway since January 2014 (see F18News 12 March 2014 http://www.forum18.org/archive.php?article_id=1936).

The FSB security service detained the three men and several other Muslims at Krasnoyarsk's Cathedral Mosque and in a

hypermarket car park. Officers confiscated copies of Nursi's collection of sermons "Risale-i Nur" (Messages of Light), as well as computer equipment and mobile phones, during searches of their homes (see F18News 11 February 2014 http://www.forum18.org/archive.php?article_id=1927).

While the FSB officers showed "no brutality" during these searches, a Krasnoyarsk Muslim who spoke to Forum 18 in February 2014 stated that the FSB "put pressure" on one witness, who created a group on social network Vkontakte which quoted Nursi, to testify that Dedkov directed him to do so (see F18News 12 March 2014 http://www.forum18.org/archive.php?article_id=1936).

Dedkov, Kuzmenko and Agdzhayev all appear on the Rosfinmonitoring list of "terrorists and extremists" as of 24 August. The names of Dedkov's three fellow defendants from his previous case do not.

Jehovah's Witness re-trial in Taganrog

Defendants are still being cross-examined in the criminal re-trial of sixteen Jehovah's Witnesses accused of "continuing the activities of an extremist organisation" after their community in Taganrog was dissolved in 2009, Jehovah's Witness spokesperson Ivan Belenko told Forum 18 on 18 August. A verdict is not expected for "at least another couple of months", he added.

There have been 20 hearings at Taganrog City Court so far, the most recent on 19 August. A further 30 have been adjourned because of a defendant's illness or for "other reasons", most recently on 20 and 21 August, according to the court website. The next hearing is scheduled for 7 September.

Six of the hearings were closed as the court was examining materials seized during 2011 searches, one of the defence lawyers Anton Omelchenko told Caucasian Knot news website on 28 May. "The judge said that the public should not hear extracts from extremist publications, so the meetings were held behind closed doors."

In his statement to the court on 17 August, defendant Nikolai Trotsyuk testified to "the absurdity of the charges" and called on Judge Aleksei Vasyutchenko to exonerate all of the accused. He stressed that he and his fellow defendants are "peaceful people" and "honest citizens trying to obey the laws of the country".

Trotsyuk was sentenced to three years in prison in the 1970s for refusing compulsory military service on grounds of religious conscience. He served a year in a labour camp before being transferred for good conduct to a work project.

Four of the 16 Jehovah's Witnesses were convicted in July 2014 under Criminal Code Article 282.2, Part 1 ("Organisation of an extremist organisation") and Article 150, Part 4 ("Involving a minor in a criminal group .. or crimes motivated by political, ideological, racial, ethnic or religious hatred or enmity or hatred or enmity against a social group"). Another three were convicted under Criminal Code Article 282.2, Part 2, while the rest were acquitted. The "crime" of those convicted was to continue to meet together for prayer and Bible study (see F18News 19 August 2014 http://www.forum18.org/archive.php?article_id=1986).

The 2009 liquidation of the Taganrog Jehovah's Witness community as allegedly "extremist" was used to justify banning all Jehovah's Witness activity in the city, a ban upheld by the Supreme Court in December 2009 (see F18News 8 December 2009 http://www.forum18.org/archive.php?article_id=1385).

After the July 2014 rulings, all 16 Jehovah's Witnesses appealed to Rostov Regional Court (see F18News 20 November 2014 http://www.forum18.org/archive.php?article_id=2017). At the Rostov appeal hearings on 11 and 12 December 2014, both convictions and acquittals were overturned and the case sent back for re-examination. The subsequent re-trial of all 16 defendants has been underway since January 2015. (END)

For more background, see Forum 18's surveys of the general state of freedom of religion or belief 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.

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