

2 March 2020

CRIMEA: Six months in Russian prison punishment cell

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

In January, Crimean Muslim prisoner of conscience Renat Suleimanov completed six months in Russian labour camp punishment cell for an alleged conflict with another prisoner. He was then transferred to the camp's strict section. Suleimanov's lawyer insists the accusation was fabricated to punish his client. On 3 and 5 March, verdicts are expected in criminal cases against Jehovah's Witnesses Artyom Gerasimov and Sergei Filatov.

In early January, the Russian labour camp which is holding Crimean Muslim prisoner of conscience Renat Suleimanov freed him from the camp punishment cell after six months and placed him in the strict section of the camp. The camp administration claims he was punished for an alleged conflict with another prisoner while being transferred from Crimea to the camp in June 2019. Suleimanov's lawyer insists the accusation was fabricated as an excuse to punish his client.

Kamenka Labour Camp's administration in Russia's Kabardino-Balkariya Region again refused to explain why Suleimanov had been put in punishment cell for six months and why he is now being held in the strict block. "The law doesn't allow us to give this information," the official told Forum 18 (see below).

In January 2019 a Simferopol court jailed Suleimanov for four years on "extremism"-related charges for meeting openly in mosques with three friends to discuss their faith. The charges related to membership of the Muslim missionary movement Tabligh Jamaat, which Russia has banned (see below).

Russia's March 2014 annexation of Crimea is not recognised by Ukraine or internationally.

On the afternoon of 3 March 2020, a court in the southern Crimean town of Yalta is expected to issue its verdict in the "extremism"-related criminal case of Jehovah's Witness Artyom Gerasimov. The prosecutor has demanded a general regime jail term of six and a half years, plus one year of restrictions on freedom and a three-year ban on unspecified activity (see below).

On the morning of 5 March, the District Court in the northern Crimean town of Dzhankoi is expected to issue its verdict in the "extremism"-related criminal case of another Crimean Jehovah's Witness, Sergei Filatov. Closed hearings on 25 and 28 February heard the final speeches in the case. The prosecutor has demanded a strict regime jail term of seven years (see below).

If either Gerasimov or Filatov is convicted, they would be the first Jehovah's Witnesses convicted in Russian-occupied Crimea to punish them for exercising freedom of religion or belief (see below).

Two other Jehovah's Witnesses in Russian-occupied Crimea face "extremism"-related criminal charges. Russian security forces again raided the home of one of them on 13 February. An FSB security service present during the raid put the phone down as soon as Forum 18 asked why it had been launched (see below).

Meanwhile, the FSB security service Investigator has three times refused to grant permission for Oleg Prikhodko to receive a pastoral visit in Simferopol Investigation Prison from Archbishop Kliment, of the Orthodox Church of Ukraine. The Investigator initially refused because the Church does not have Russian registration. His third refusal claimed such a pastoral visit might harm the investigation (see below).

"Extremist" organisations banned

Russia's Supreme Court banned the Muslim missionary movement Tabligh Jamaat as "extremist" in 2009 (http://www.forum18.org/archive.php?article_id=1724). The Russian ban was imposed in Crimea after Russia annexed the peninsula from Ukraine in March 2014.

Russia's Supreme Court banned Jehovah's Witnesses as "extremist" in 2017 (http://www.forum18.org/archive.php?article_id=2297). Prosecutors in Russia were in January 2020 investigating more than 300 Russian Jehovah's Witnesses individuals on "extremism"-related criminal charges, of which 24 were in pre-trial detention

(http://www.forum18.org/archive.php?article_id=2536).

Following Russia's March 2014 occupation of Crimea, the Russian authorities granted re-registration to all 22 Jehovah's Witness communities in Crimea. But in 2017 they were banned following the Russian Supreme Court ban (http://www.forum18.org/archive.php?article_id=2299).

Suleimanov: Illegal transfer to Russian prison

Renat Rustemovich Suleimanov (born 30 August 1969), a Crimean Tatar, was born in exile in Kazakhstan's then capital Almaty. When the Crimean Tatars were allowed to return to Crimea, he settled in the village of Molodezhnoe just north of Crimea's capital Simferopol. He is married with three teenage daughters.

Suleimanov and three friends met openly in mosques to discuss their faith. "At lessons we studied ayats [verses] from the Koran, the value of praying the namaz, and the zikr [reciting devotional phrases as a reminder of Allah]," one of the men told the court at their trial. "These lessons were not conspiratorial and took place in mosques."

After Suleimanov spent more than 15 months in pre-trial detention following his October 2017 arrest by the Russian FSB security service, the Crimean Supreme Court jailed him for four years in January 2019 (http://www.forum18.org/archive.php?article_id=2444). He was punished on "extremism"-related charges for alleged Tabligh Jamaat membership.

Three others on trial with Suleimanov were given two and a half year suspended sentences, when they will live under restrictions.

In May 2019, the Russian authorities transferred Suleimanov from occupied Crimea to a labour camp in Russia. He arrived in Kamenka Labour Camp in Russia's Kabardino-Balkariya Region in June 2019 and was in July put into a punishment cell (http://www.forum18.org/archive.php?article_id=2518).

The Geneva Convention relative to the Protection of Civilian Persons in Time of War (<http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtectionOfCivilianPersons.aspx>) covers the rights of civilians in territories occupied by another state (described as "protected persons"). Article 76 includes the provision: "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein."

One of Suleimanov's two cases to the European Court of Human Rights (ECtHR) in Strasbourg is over his illegal transfer from Ukraine (occupied Crimea) to Russia (see below).

Suleimanov: Six months in prison punishment cell

In early January 2020, Kamenka Labour Camp's administration released Suleimanov from the punishment cell, where he had spent six months, his lawyer Roman Martynovskyy told Forum 18 from the Ukrainian capital Kyiv. The Labour Camp's administration then transferred Suleimanov to the strict section of the camp.

Prisoners in the strict section have greater restrictions on their movement within the camp, including needing permission to visit other sections of the camp, and are allowed fewer parcels and visits from outside the prison.

Kamenka Labour Camp's administration sent Suleimanov to the punishment cell in early July 2019 to punish him for allegedly getting into a conflict with another prisoner during his transfer from Crimea to prison in Russia (http://www.forum18.org/archive.php?article_id=2518). "It is not true," Martynovskyy insisted to Forum 18. "This was fabricated by the convoy guards."

The Special Department of the Labour Camp's administration again refused to explain why Suleimanov had been put in punishment cell for six months and why he is being held in the strict section of the camp. "The law doesn't allow us to give this information," the official repeatedly told Forum 18 on 20 February, before putting the phone down.

Forum 18 was therefore unable to find out whether Suleimanov has access to the Koran and other religious literature, and whether he can pray unimpeded.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3) (http://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf) requires governments to respect the freedom of religion and belief and other human rights of prisoners. This includes access to religious texts and the freedom to pray individually and to meet for worship with others.

Suleimanov's labour camp address is:

361424 Kabardino-Balkariya

Chegemsky raion

Pos. Kamenka

Ul. D.A. Mizieva 1

FKU Ispravitelnaya koloniya No. 1 UFSIN Rossii po Kabardino-Balkarskoi Respubliki

Suleimanovu Renatu Rustemovichu

Suleimanov: European Court of Human Rights cases

Prisoner of conscience Renat Suleimanov has lodged two cases against Russia at the European Court of Human Rights (ECtHR) in Strasbourg, the Court told Forum 18.

Suleimanov lodged the first case on 16 October 2019 (http://www.forum18.org/archive.php?article_id=2518) (Application No. 56354/19). He argues that the Russian authorities violated his rights under Article 6 ("Right to a fair trial"), Article 7 ("No punishment without law"), Article 9 ("Freedom of thought, conscience and religion"), Article 10 ("Freedom of expression"), Article 11 ("Freedom of assembly and association") and Article 13 ("Right to an effective remedy") of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Suleimanov lodged the second case on 18 November 2019 (Application No. 64404/19), complaining that his transfer from Ukraine (occupied Crimea) to a prison in Russia was illegal under Article 3 Protocol 4 of the Convention and of inhumane treatment in prison (Article 3).

Two Jehovah's Witness verdicts imminent

On the afternoon of 3 March, Judge Vladimir Romanenko at Yalta City Court is expected to issue his verdict in the "extremism"-related criminal case of Jehovah's Witness Artyom Vyacheslavovich Gerasimov (born 13 January 1985), according to court records. Prosecutor Oksana Chuchuyeva has demanded a jail term of six and a half years, plus one year of restrictions on freedom and a three-year ban on unspecified activity.

On the morning of 5 March, Judge Mariya Yermakova at Dzhankoi District Court is expected to issue her verdict in the "extremism"-related criminal case of another Crimean Jehovah's Witness Sergei Viktorovich Filatov (born 6 June 1972), according to court records. Closed hearings on 25 and 28 February heard the final speeches in the case. The prosecutor has demanded a strict regime jail term of seven years (http://www.forum18.org/archive.php?article_id=2544).

If either Gerasimov or Filatov is convicted, they would be the first Jehovah's Witnesses convicted in Russian-occupied Crimea to punish them for exercising freedom of religion or belief.

Both Gerasimov and Filatov are on trial under Russian Criminal Code Article 282.2, Part 1. In both cases the Russian FSB security service initiated the criminal cases. Neither was held in pre-trial detention, but both were under travel restrictions, having to sign pledges not to leave the area as the cases were being investigated and once the trials began.

Russian Criminal Code Article 282.2, Part 1 punishes "Organisation of" and 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". (http://www.forum18.org/archive.php?article_id=2215) The maximum punishment under Part 1 of this Article is 10 years' imprisonment.

In March 2019, Russian FSB investigators launched a criminal case against Gerasimov and Taras Grigoryevich Kuzio (see below) from the southern Crimean town of Yalta. Five days later, officers raided eight Jehovah's Witness family homes (including that of Gerasimov) in and around Yalta. Officers seized religious literature, money and other documents, and took several people for interrogation. Both Gerasimov and Kuzio had to sign a pledge not to leave the area (http://www.forum18.org/archive.php?article_id=2466). The criminal case reached court in September 2019 (http://www.forum18.org/archive.php?article_id=2518).

In November 2018, about 10 groups of Russian FSB officers, OMON riot police, and possibly officers of other agencies who had come from Simferopol raided the homes in Dzhankoi of eight families (including that of Filatov) who were members of the two local Jehovah's Witness communities before they were banned in 2017. Officers used violence against some of them, while a pregnant woman suffered a miscarriage following the raids. (http://www.forum18.org/archive.php?article_id=2432)

The Russian FSB security service accused Filatov of "continuing the activity" of the local Jehovah's Witness community, which had been liquidated as "extremist". Filatov rejects the accusation against him. He told the Investigator that believers meet together not as an organisation but as private individuals under the guarantees enshrined in the Russian Constitution. The criminal case reached court in September 2019.

New raid on Jehovah's Witness, one of two more facing prosecution

On 13 February 2020, Russian security forces raided the home in the southern Crimean town of Yalta of Jehovah's Witness Taras Grigoryevich Kuzio (born 19 June 1978). Officers intended to use a grinding machine to break into his home, but he reached the door to let them in before they could force entry, Jehovah's Witnesses told Forum 18.

Officers – who were led by Lieutenant S. Gainiev of the Russian FSB security service's Crimean branch, and accompanied by local officer Senior Lieutenant P. Shurupov – read out a court order authorising a house search. However, they refused to give Kuzio a copy. Officers seized electronic devices and personal notes.

Asked by Forum 18 on 2 March why he and other FSB officers raided Kuzio's home, Senior Lieutenant Shurupov put the phone down.

Officers had earlier tried and failed to find any banned materials in Kuzio's home.

Viktor Vladimirovich Stashevsky (born 11 July 1966), a resident of the port city of Sevastopol, is also facing criminal prosecution as a Jehovah's Witness. On 4 June 2019, Russian FSB investigators launched a criminal case against him. That evening, FSB officers raided at least nine local homes, with a further follow-up raid on 7 July 2019. He had to sign a pledge not to leave the area (http://www.forum18.org/archive.php?article_id=2496).

The Russian FSB Investigator handling Stashevsky's case - Lieutenant Aleksandr Chumakin (who was also the initial FSB investigator on Filatov's case) – did not answer his phone on 28 February.

Jehovah's Witnesses Filatov and Stashevsky, as well as Muslim prisoner of conscience Renat Suleimanov, are on the Russian Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose accounts banks are obliged to freeze, apart from small transactions (http://www.forum18.org/archive.php?article_id=2215).

Prikhodko: Denied prison visit from priest of his choice

Oleg Prikhodko is a 61-year-old from Saki on Crimea's western coast, accused of preparing acts of terrorism, charges he denies. He has been held since October 2019 in pre-trial detention at Simferopol's Investigation Prison No. 1.

The Russian FSB security service, which is investigating Prikhodko's case, has three times refused his application for a prison visit from Archbishop Kliment (Kushch) of Simferopol and Crimea. "The most recent denial of permission came in late January 2020," Prikhodko's lawyer Nazim Sheikmambetov told Forum 18 on 20 February.

"Oleg is a member of the Orthodox Church of Ukraine and wants to conduct religious rites with Archbishop Kliment," Sheikmambetov added. "He said that on religious grounds he is not prepared to accept other priests."

However, the Russian FSB Investigator's response claimed that Prikhodko could not meet third parties because it might harm the continuing investigation, Sheikmambetov told Forum 18.

Prikhodko asked twice in 2019 for Archbishop Kliment to be allowed to make a pastoral visit, but these requests were both denied, Radio Free Europe's Crimean Realities noted on 30 December 2019.

"In his earlier refusal, the Investigator had claimed that the religious organisation Kliment represents is not registered," Prikhodko's lawyer Sheikmambetov told Forum 18 on 20 February 2020.

The Orthodox Church of Ukraine does not have registration in Crimea under Russian law. It initially decided it would not seek registration under Russian law in occupied Crimea. In March 2019 it tried to register its Simferopol parish as an independent community. The Crimean Justice Ministry issued three successive refusals to register the community in 2019 (http://www.forum18.org/archive.php?article_id=2526). This means that the Russian authorities do not recognise the community as legally existing.

"Access to a qualified representative of any religion shall not be refused to any prisoner," declares Rule 65 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3) (http://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf), which require governments to

respect the freedom of religion and belief and other human rights of prisoners.

The Special Department of Simferopol's Investigation Prison No. 1 insisted to Forum 18 on 28 February that "we don't decide, it is the FSB". The official – who did not give her name – added that the prison has a priest, "but he didn't ask for him". Told that the prison has a responsibility to ensure access by a representative of the religion that the prisoner chooses, she put the phone down. (END)

Full reports on freedom of thought, conscience and belief in Crimea
(<http://www.forum18.org/archive.php?query=&religion=all&country=86>)

For more background, see Forum 18's Crimea religious freedom survey (http://www.forum18.org/archive.php?article_id=2051)

Forum 18's reports and analyses on freedom of thought, conscience and belief in Russia within its internationally-recognised territory (<http://www.forum18.org/archive.php?query=&religion=all&country=10>)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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