

3 April 2020

RUSSIA: 32nd Jehovah's Witness criminal conviction

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

On 1 April, Igor Ivashin became the 32nd Jehovah's Witness convicted of "continuing the activity of an extremist organisation" since the 2017 Supreme Court ban. A Siberian court handed him a six-year suspended sentence, requiring him to live under restrictions. Jehovah's Witness Vladimir Alushkin was freed from pre-trial detention after nearly ten months after a court overturned his six-year jail term. He and five others face a new trial.

A man from the Sakha Republic in Siberia has become the 32nd Jehovah's Witness to be convicted of "continuing the activity of an extremist organisation" since the Russian Supreme Court ruling which liquidated all Jehovah's Witness legal entities and outlawed their activities. On 1 April, a court handed 43-year-old Igor Ivashin a six-year suspended sentence, during which he will be subject to a range of conditions and restrictions.

"The Russian Federation publicly positions itself as a democratic state that guarantees the rights and freedom of its citizens," Ivashin told the court in his final statement. "And what do we see in fact? In fact, the exact opposite. Freedom of conscience is NOT guaranteed, freedom of religion is NOT guaranteed, the right is not given to profess any religion individually or jointly with others."

Ivashin continued: "But all this, including the cases of the persecution of Jehovah's Witnesses that are currently underway in Russia, is happening before the eyes of the whole world. And in this case, the reputation of our country suffers greatly, turning it, in fact, into a totalitarian state" (see below).

The Prosecutor's Office of the Sakha Republic has not responded to Forum 18's questions on Ivashin's case, including why collective prayer and Bible reading were considered criminal, given that the Supreme Court's ruling prohibited the activities of the Jehovah's Witnesses' legal entities, not the profession of their beliefs (see below).

Six other Jehovah's Witnesses, meanwhile, are the first in the country to succeed in having a guilty verdict overturned and their case sent for re-examination. On 25 March, Penza Regional Court overturned the six-year jail sentence the lower court handed to Vladimir Alushkin in December 2019. Tatyana Alushkina (Vladimir's wife), Galiya Olkhova, Denis Timoshin, Andrey Magliv, and Vladimir Kulyasov all received two-year suspended sentences. The six will now undergo a retrial (see below).

Penza's Investigation Prison released the 55-year-old Alushkin on 30 March after 291 days detention. He remains under travel restrictions, as do the other five defendants (see below).

"We are certainly pleased about today's ruling, especially since it means Vladimir can return home to his wife," Jehovah's Witness spokesperson Jarrod Lopes commented on 25 March. "However, nearly 350 Jehovah's Witnesses are still facing criminal prosecution in Russia and Crimea simply for their peaceful worship. Thus, today's ruling won't have much meaning until the home raids, arrests, and convictions stop or at least decrease Federation-wide."

Meanwhile, prosecutors in Siberia's Krasnoyarsk Region have dropped "extremism"-related criminal cases against two Muslims who meet to study their faith using the works of the late Turkish Muslim theologian Said Nursi. Similar criminal cases have been launched, however, against two other Muslims, a woman in Tatarstan and a man in Dagestan (see below).

Extremism charges

Jehovah's Witnesses have largely been convicted, charged (or named as suspects) under Criminal Code Article 282.2, Part 1 or Part 2 ("Organisation of" or "Participation in the activities of a banned extremist organisation"). For exercising their right to freedom of religion and belief by meeting for worship, they stand accused of "continuing the activities" of the Jehovah's Witness Administrative Centre and its subsidiary local organisations, all of which the Russian Supreme Court ruled extremist and ordered liquidated in April 2017 (http://www.forum18.org/archive.php?article_id=2297).

Investigators have also charged a few individuals under Criminal Code Article 282.3, Part 1 ("Financing of extremist activity"), or Criminal Code Article 282.2, Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation").

These prosecutions are happening despite the Supreme Court judges' insistence when they issued the ruling that it "does not amount to prohibition of the religion of Jehovah's Witnesses as such", and despite the fact that the Russian government has twice claimed that the ban "does not contain a restriction or prohibition on individual profession of [Jehovah's Witness] teachings".

Muslims who meet to study the works of late Turkish theologian Said Nursi also face prosecution under the Extremism Law, and in particular under Criminal Code Article 282.2, Parts 1 and 2 for "continuing the activities" of "Nurdzhular", a "banned extremist organisation" which Muslims in Russia deny exists.

Lensk, Sakha Republic: Ivashin conviction

On 1 April, at the end of a trial lasting two months, Judge Zhanna Shmidt of Lensk District Court in Siberia's Sakha Region handed Igor Nikolayevich Ivashin (born 16 April 1976) a six-year suspended sentence. The verdict came in a case which has lasted more than two years from initial investigation to conviction. Prosecutors had requested that Ivashin be sentenced to seven years in a general-regime prison camp.

The Judge punished Ivashin 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"). He intends to appeal, Jehovah's Witnesses stated on 1 April.

Should his appeal be unsuccessful and the verdict enter legal force, Ivashin will be on probation for three and a half years. If he is convicted of any other offence during this time – including any continued Jehovah's Witness activities – he may have to serve the full term in prison, as well as any sentence imposed for the later offence.

Judge Shmidt also imposed a number of restrictions: for one year, Ivashin may not leave his home town of Lensk without permission and may not change his place of work without informing the probation authorities; for five years, he may not hold any leadership position in a public organisation.

Forum 18 wrote to the Prosecutor's Office of the Sakha Republic before the start of its working day on 2 April, asking why it had sought such a long prison sentence, in what way Ivashin could be considered dangerous, and why collective prayer and Bible reading were considered criminal, given that the Supreme Court's ruling prohibited the activities of the Jehovah's Witnesses' legal entities, not the profession of their beliefs. Forum 18 had received no reply by the end of the working day in Sakha on 3 April. It is unknown whether the Prosecutor's Office intends to appeal against the court's decision.

In his final statement before the court on 25 March, Ivashin noted: "The prosecution asks [the court] to convict me for 'extremism', perceiving this, as stated in the indictment, in the fact that I sang songs, watched films with my friends, and carried out religious preaching. And since the state prosecutor understands perfectly well that these actions alone cannot be a crime, he sees my guilt in the fact that I sang not just songs, but Jehovah's Witness songs. I watched not just films, but Jehovah's Witness films. I was not just giving a religious sermon, but talking about the religion of Jehovah's Witnesses. It turns out that my so-called guilt is that I am a Jehovah's Witness."

Ivashin noted that Article 282.2 under which he was on trial is in the Criminal Code in the section: "Crimes against the foundations of the constitutional system and state security". He asked the court: "And what have I personally done against the state? Read the Bible? Praised God in hymns with my friends? Can this be called a crime against state security?"

Investigative Committee operatives arrested Ivashin along with more than 20 fellow believers in mass raids on homes in Lensk on 30 June 2018. The Jehovah's Witnesses had been under surveillance for more than six months; investigators had tapped Ivashin's phone and recorded all his conversations. Of those taken to the police station for interrogation, only Ivashin was charged.

Unlike many other Jehovah's Witnesses facing prosecution, Ivashin spent the duration of the investigation and trial under travel restrictions, rather than in detention. Even under lesser restrictions, being under criminal investigation can be stressful.

"I want to note that because of unfounded and false accusations, for more than a year and a half I have been under constant pressure from the authorities," Ivashin told the court in his final statement. "Everywhere, at work and at home, my family and I constantly feel this pressure and anxiety. Every time a car drives up to the house, everyone immediately thinks: 'Surely a search again! Or something else?' My family and my relatives are constantly under stress due to the fact that we could be separated."

On 20 November 2019, at its first full hearing, Judge Sergey Osmushin of Lensk District Court sent Ivashin's case back to the prosecutor's office. The judge considered that the indictment did not make any specific accusations, Jehovah's Witnesses stated on 22 November 2019, and did not establish how "religious singing" and "preaching" were related to the continued activities of a liquidated Jehovah's Witness religious organisation (no such organisation was ever registered in Lensk, according to federal tax records).

The Supreme Court of the Sakha Republic overturned this decision on 9 January 2020, and Ivashin's trial began again before a new judge, Zhanna Shmidt, on 7 February 2020.

Penza: Six face retrial

Six Jehovah's Witnesses convicted in December 2019 (http://www.forum18.org/archive.php?article_id=2536) are to undergo a re-examination of their case after Penza Regional Court overturned a lower court decision on 25 March 2020. The case has been returned to Penza's Lenin District Court, where it will be reconsidered by a new judge. It is unknown when these new proceedings will begin.

Vladimir Aleksandrovich Alushkin (born 30 June 1964) was sentenced to six years' imprisonment 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").

On 30 March 2020, Alushkin was released from the Investigation Prison in the town of Ruzayevka in the Republic of Mordovia and returned to Penza, where he will remain under travel restrictions. Including time spent in detention during the investigation and original trial, he spent a total of 291 days – almost ten months – behind bars (as well as 313 days under house arrest).

Tatyana Sergeyevna Alushkina (born 12 September 1963), Galiya Anvarovna Olkhova (born 5 February 1970), Denis Vladimirovich Timoshin (born 20 March 1980), Andrey Aleksandrovich Magliv (born 20 June 1984), and Vladimir Aleksandrovich Kulyasov (born 17 April 1974) were all tried 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 five all received two-year suspended sentences and – like Alushkin – remain under travel restrictions while the retrial is pending. Timoshin, Magliv, and Kulyasov had spent 515 days under house arrest before and during their original trial.

Judge Roman Tanchenko of Lenin District Court originally convicted the six on 13 December 2019, after a trial lasting five months. "The essence of [their] 'extremism' was that the believers, following the example of first-century Christians, came together for discussion of the Bible, hymn-singing, and prayers to Jehovah God," Jehovah's Witnesses commented on 30 March 2020.

The United Nations Working Group on Arbitrary Detention has criticised Russia for detaining Vladimir Alushkin. In an Opinion (A/HRC/WGAD/2019/34 (https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session85/A_HRC_WGAD_2019_34%20ADVANCEEDITEDVERSION.pdf)) released in August 2019, the Working Group concluded that he "should not have been arrested and held in pretrial detention, and no trial of Mr. Alushkin should take place".

It noted that Alushkin and the others had been charged with extremism for "holding conversations in public places and residential premises with the inhabitants of the city of Penza .. recruiting new members from among their relatives, friends, and residents of the city of Penza", and "holding religious services 'to study their ideology'".

"The Working Group is unable to accept that any of these activities could be described as organisation of or participation in the activities of an extremist organisation; nor can it see any other reasons that might justify the limitation of Mr. Alushkin's rights under Article 18 of the [International Covenant on Civil and Political Rights]. All the activities that Mr. Alushkin engaged in were entirely peaceful religious discussions. It is clear to the Working Group that Mr. Alushkin did nothing more than exercise his right to freedom of religion under Article 18 of the Covenant."

Article 18 of the International Covenant on Civil and Political Rights states: "This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

Two Muslim prosecutions dropped, but new cases launched

Two criminal prosecutions of Muslims who read the works of Said Nursi in Krasnoyarsk Region of Siberia have been dropped.

Prosecutors officially closed the case against Denis Vladimirovich Zhukov in early 2020, citing the provision attached to Criminal Code Article 282.2 which allows "a person who has committed [this] offence for the first time and voluntarily ceased participation in the activities of the [extremist] public or religious association, [to] be freed from criminal liability if his actions do not constitute a different crime".

FSB security service officers initially arrested Zhukov on 23 August 2018. Prosecutors sent the case back to the Investigative Committee for further work in spring 2019, and it therefore never reached court. (http://www.forum18.org/archive.php?article_id=2478)

Yevgeny Igoryevich Sukharev made 23 appearances at Sharypovo City Court before the judge returned this case to prosecutors in February 2019 because of shortcomings in the indictment (http://www.forum18.org/archive.php?article_id=2478). Prosecutors in turn sent the case back to investigators. The Investigative Committee closed the case in December 2019, concluding that Sukharev had not, in fact, committed an offence.

Two Muslim men who read Nursi's works (Artur Abdulgamidovich Kaltuyev and Ilgar Vagif-ogly Aliyev) are serving prison sentences, and four have been released from prison within the last year (Sukhrab Abdulgamidovich Kaltuyev, Ziyavdin Badirsoltanovich Dapayev, Komil Olimovich Odilov, and Yevgeny Lvovich Kim).

Kim was released on 10 April 2019, but was deprived of his Russian citizenship, left stateless, and – on the day he completed his prison term – fined and ordered deported to Uzbekistan, his country of birth (http://www.forum18.org/archive.php?article_id=2478). As of early April 2020, he remains in a temporary detention centre for foreign nationals in Khabarovsk, awaiting deportation to Uzbekistan.

Two new prosecutions of Muslims who read Nursi's works are known to be underway in the Republics of Tatarstan in the Urals and Dagestan in the North Caucasus. One is under house arrest and the other in pre-trial detention (http://www.forum18.org/archive.php?article_id=2563). (END)

Full reports on freedom of thought, conscience and belief in Russia
(<http://www.forum18.org/archive.php?query=&religion=all&country=10>)

For more background see Forum 18's survey of the general state of freedom of religion and belief in Russia (http://www.forum18.org/archive.php?article_id=2246), as well as Forum 18's survey of the dramatic decline in this freedom related to Russia's Extremism Law (http://www.forum18.org/archive.php?article_id=2215).

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 (http://www.forum18.org/archive.php?article_id=1468)

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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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY