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RUSSIA: On trial despite age, sickness

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

Of the 93 people on trial in 43 cases for "continuing the activities of a banned extremist organisation" for exercising freedom of religion or belief since the Supreme Court ban on Jehovah's Witnesses, 85-year-old Yelena Zayshchuk is the oldest. Five fellow defendants in her case are in their sixties or seventies. All face up to six years' imprisonment if convicted. Two defendants in their sixties died in April before trials began.

Twenty of the 93 people on trial on charges of "continuing the activities of a banned extremist organisation" for exercising their right to freedom of religion or belief since the Supreme Court ban on Jehovah's Witnesses are in their sixties, seventies or eighties. Another defendant died in Kirov in April shortly before the first full hearing was due in his trial. Another man died in Smolensk in April after investigators submitted the case against him to prosecutors and before it reached court. Both those who died were in their sixties.

On 1 May 2020, the United Nations (UN) Working Group on Arbitrary Detention adopted a wide-ranging Opinion (A/HRC/WGAD/2020/10 (http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session87/A_HRC_WGAD_2020_10_Advance_Edited_Version.pdf) in relation to 18 Jehovah's Witnesses, most of whom are currently on trial. It noted that they were all "arrested and detained .. merely for peacefully exercising their religious beliefs, including by having in their possession religious texts and Bibles, gathering together for worship with fellow believers, gathering money for the activities of Jehovah's Witnesses and worshipping". The Working Group stated that "all the activities that they engaged in were the peaceful exercise of their right to freedom of religion under article 18 of the Covenant [International Covenant on Civil and Political Rights]. These actions were the sole reason for the arrest of all the 18 individuals and the court proceedings against them (http://www.forum18.org/archive.php?article_id=2573)".

The Working Group "wishes to emphasize that none of them should have been arrested and held in pre-trial detention and no trial of any of them should take or should have taken place (http://www.forum18.org/archive.php?article_id=2573)", and that "these 18 individuals are part of now ever-growing number of Jehovah's Witnesses in Russia who have been arrested, detained and charged with criminal activity on the basis of mere exercise of freedom of religion, a right protected by article 18 of the Covenant".

The oldest of the 93 defendants now on trial is 85-year-old Yelena Zayshchuk, whom the FSB security service took in for questioning after raiding her home in Vladivostok in April 2018. Her family "do not understand why they are persecuting an elderly and sick person who has done nothing wrong to anyone", Jehovah's Witnesses commented (see below).

Among the other six on trial with Zayshchuk is Nina Purge, who is due to be 80 on 19 June. Four of the other defendants are women in their sixties or seventies. The Judge has sent the case back to prosecutors (see below).

Yury Geraskov, who died in Kirov at the age of 64, had not spent any time in detention, but "stress connected with persecution for his faith had negatively affected Yury's health", Jehovah's Witnesses noted (see below).

Viktor Malkov, who died in Smolensk at the age of 61, had spent eight months in detention and nearly four months under house arrest. He had suffered from coronary heart disease and kidney problems. "Viktor's health was largely influenced by poor conditions in pre-trial detention centres and the stress associated with criminal prosecution", Jehovah's Witnesses noted (see below).

Sergey Mysin is on trial in Ulyanovsk despite serious health concerns. Jehovah's Witnesses say he was discharged early from intensive care in October 2019 after FSB security service officers went to the hospital to insist on his treatment being stopped. The Ulyanovsk Region FSB refused to answer any questions from Forum 18 on the incident (see below).

Two of the other defendants are men who have already been convicted in another, overlapping trial (see below).

Court proceedings for the 93 people on trial in 43 cases can be lengthy. As well as the strong possibility of conviction, bringing with it a criminal record and a heavy fine or prison sentence, prosecution and trial can have wider consequences, including blocking of bank accounts, dismissal from work and seizure of property (http://www.forum18.org/archive.php?article_id=2572).

Despite the coronavirus pandemic, there is no sign of early release, however, for those Jehovah's Witnesses currently in pre-trial detention. Several are worried about the danger of contracting the disease (see below).

The Moscow-based Public Verdict human rights group warns of poor conditions in Russian prisons, such as "overcrowding, poor ventilation, lack of medical staff, poor medical care, and serious health problems, including chronic conditions and lowered immunity among inmates and staff alike" (see below).

43 trials, 93 defendants

Three years after Russia's Supreme Court ordered the liquidation as "extremist" of all Jehovah's Witness associations in April 2017 (http://www.forum18.org/archive.php?article_id=2297), 93 people are on trial on charges of "continuing the activities of a banned extremist organisation" for exercising their right to freedom of religion or belief.

If convicted, the defendants could be imprisoned for up to 10 years or be fined up to twice the average yearly salary. Although the majority are at home under house arrest or various lesser restrictions, three men remain in detention, despite the widely acknowledged danger of coronavirus in the overcrowded Russian penitentiary system. The pandemic has led to the postponement of most court hearings (see below).

The 43 trials currently underway involve 33 women and 60 men. Fifty-one people are being tried 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"). This carries a possible punishment of six to 10 years' imprisonment or a fine of 400,000 to 800,000 Roubles (http://www.forum18.org/archive.php?article_id=2215).

Forty-three defendants are facing charges 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"). If convicted, they may receive a sentence of two to six years' imprisonment, a fine of 300,000 to 600,000 Roubles, or one to four years' assigned work (http://www.forum18.org/archive.php?article_id=2215).

Prosecutors have also charged three people under Criminal Code Article 282.2, Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation") (http://www.forum18.org/archive.php?article_id=2215) and 21 people under Criminal Code Article 282.3, Part 1 ("Financing of extremist activity"), some in addition to the charges outlined above.

If a person is convicted under Criminal Code Article 282.2, Part 1.1, the judge may impose a sentence of four to eight years' imprisonment, a 300,000 to 700,000 Rouble fine, or two to five years' assigned work (http://www.forum18.org/archive.php?article_id=2215). Criminal Code Article 282.3, Part 1 carries possible punishments of three to eight years' imprisonment, a 300,000 to 700,000 Rouble fine, or one to four years' assigned work.

Several people are facing trial under more than one Criminal Code Article, or part of an Article.

(The 93 individuals on trial are listed here (http://www.forum18.org/archive.php?article_id=2573)).

On 1 April, Igor Ivashin became the 32nd Jehovah's Witness to be convicted of "continuing the activity of an extremist organisation" since the 2017 Supreme Court ban (http://www.forum18.org/archive.php?article_id=2560).

Muslims who meet to study the works of late Turkish theologian Said Nursi also face prosecution 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 (http://www.forum18.org/archive.php?article_id=2215).

No Muslims who read Nursi's works are known to be on trial. Two are known to be facing criminal prosecution: Nakiya Sharifullina is under house arrest in Naberezhnyye Chelny in the Republic of Tatarstan, while Ibragim Murtazaliyev from Izberbash in the Republic of Dagestan is in pre-trial detention in Makhachkala's Investigation Prison. (http://www.forum18.org/archive.php?article_id=2563)

Effects of Covid-19 pandemic

All hearings of first-instance Jehovah's Witness cases have been postponed in recent weeks because of the coronavirus pandemic, the Jehovah's Witnesses told Forum 18 on 8 May, although in-person hearings appear to be resuming in some places after the lifting of nationwide lockdown on 12 May. Defendants have still had to appear in court in person for hearings concerning potential changes to their restrictive measures.

After 18 March, as part of Russia's Covid-19 isolation regime, courts were closed to the public and have been operating only a limited schedule of hearings of urgent cases, with all others put off until after isolation measures could be lifted.

According to a Supreme Court decree of 8 April, urgent hearings include decisions on pre-trial restrictive measures, child protection, and medical intervention. Otherwise, courts are able to decide themselves which hearings are urgent enough to go ahead. The nationwide lockdown ran until 12 May, when regions began introducing their own measures; many courts still appear to be operating under similar restrictions.

Courts have been encouraged to use video-conferencing to consider urgent cases, but this is dependent on individual facilities' technological capacity.

Murmansk Regional Court has postponed Roman Markin and Viktor Trofimov's appeal hearing three times, most recently until 25 May. The men were fined under Criminal Code Article 282.2, Part 1 in January 2020. (http://www.forum18.org/archive.php?article_id=2536)

Igor Ivashin, however, who was given a six-year suspended sentence on 1 April 2020 (http://www.forum18.org/archive.php?article_id=2560), appeared by video link at his first appeal hearing at the Supreme Court of Yakutiya on 14 May. (The next hearing is due on 21 May.)

Because of the pandemic, police, FSB security service and other agencies have launched fewer raids on homes, Jehovah's Witnesses have told Forum 18. These have not stopped, however, with searches taking place recently in Primorye Region (three addresses on 12 May), Krasnodar Region (nine addresses on 29 April), and Ivanovo Region (four addresses on 15 April).

Forum 18 is aware of only one criminal investigation which has been suspended explicitly because of the risk of coronavirus: that of Tatyana Sholner in Birobidzhan in the Jewish Autonomous Region. Her case has not been closed, however, and she remains under travel restrictions.

There is no sign of early release, however, for those Jehovah's Witnesses currently in pre-trial detention.

Prisons in Russia have long been reported to be overcrowded, poorly ventilated, and often unsanitary, and pre-trial detention centres are often considered to be worse than the labour camps (correctional colonies) in which most people with jail sentences serve their terms. (http://www.forum18.org/archive.php?article_id=2246)

Still in detention despite virus risk

Of the 93 people on trial, three are currently known to be in detention, despite the risk of infection and human rights defenders' calls for pre-trial detainees in Russia to be placed under house arrest or other restrictions to protect them.

A 23 March statement by the Moscow-based Public Verdict (<http://www.myverdict.org/popdefence/covid19-fsin/>) human rights group warned of poor conditions in Russian prisons, such as "overcrowding, poor ventilation, lack of medical staff, poor medical care, and serious health problems, including chronic conditions and lowered immunity among inmates and staff alike". This makes prisoners vulnerable to infection and likely to be unable to get adequate medical treatment should they fall ill with Covid-19.

Public Verdict called for prisoners to be freed or measures put in place to protect their health.

On 1 April, the Presidential Council for Human Rights appealed to investigatory bodies, courts, and the prison service to transfer detainees to house arrest. On 6 April, more than 50 human rights activities and cultural figures published an open letter also calling for a move to house arrest for elderly, sick and non-violent prisoners.

The 66-year-old Yury Prokopyevich Savelyov (born 1 January 1954) is on trial at Lenin District Court in Novosibirsk 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 has been held at the city's Investigation Prison No. 1 since 18 November 2018. At his most recent hearing, conducted by video link on 16 April, Judge Yekaterina Kashina again extended his period of detention until 22 July, regardless of Savelyov's concerns over his "unfavourable sanitary-epidemiological situation".

One of Savelyov's cellmates works in the detention centre, bringing him into contact with large numbers of people, and he does not have a mask, gloves or shoe covers, Jehovah's Witnesses stated on 27 April.

Forum 18 wrote to the court on 5 May to ask why Savelyov was not placed under house arrest instead, and what measures are being taken to ensure his safety in detention. Court chairwoman Yelena Fetisova replied on 13 May that the court had, in its decision, taken into account everything relevant to the question of Savelyov's detention, and had had no medical documentation suggesting that it should not be extended. The question of health protection measures in detention was not within the competence of the court,

she added. Savelyov appealed unsuccessfully against his extended detention at Novosibirsk Regional Court on 8 May.

Vladimir Aleksandrovich Khokhlov (born 9 April 1977) and Eduard Vladimirovich Zhinzhikov (born 9 November 1971) also remain in detention in Novozybkov (Bryansk Region). Forum 18 wrote to Novozybkov City Court on 12 May to ask why the men's detention had been extended despite the risk of infection. Forum 18 received no reply by the end of the working day on 18 May.

In Rostov-on-Don on 17 April, a judge also extended the detention of Vilen Shagenovich Avanesov, his son Arsen Vilenovich Avanesov, and Aleksandr Mikhailovich Parkov (who are not yet on trial) until 19 May. The detention was extended despite the fact that Parkov has an impaired immune system and 67-year-old Vilen Avanesov is at risk because of his age, according to Jehovah's Witnesses.

Four people currently on trial are under house arrest. Investigators and prosecutors have placed most of the other defendants under specific restrictions (such as night-time curfews and bans on using the internet) or travel restrictions.

Prosecution of the elderly

The criminal trials currently underway include those of some of the oldest people prosecuted for exercising their freedom of religious and belief as Jehovah's Witnesses.

The oldest defendant is Yelena Viktorovna Zayshchuk (born 25 August 1934), whom the FSB security service took in for questioning after raiding her home in Vladivostok in April 2018. Her family "do not understand why they are persecuting an elderly and sick person who has done nothing wrong to anyone". Proceedings against her and her fellow defendants are currently suspended after the judge sent the case back to prosecutors.

On trial alongside her at Lenin District Court in Vladivostok are three over-70s – Nina Ivanovna Purge (born 19 June 1940), Lyubov Aleksandrovna Galaktionova (born 14 July 1942), and Raisa Mikhailovna Usanova (born 28 September 1947) – as well as two over-60s, Nailya Sunatovna Kogay (born 5 October 1951) and Nadezhda Anatolyevna Anoykina (born 11 January 1958).

Zayshchuk, Galaktionova, Kogay and Purge all suffer from poor health, Jehovah's Witnesses note. Being subject to criminal investigation and trial for more than two years has worsened their underlying conditions.

The six women were charged 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"), and have all been under travel restrictions throughout the investigation. A seventh defendant, Valentin Pavlovich Osadchuk (born 15 March 1976), was charged under Criminal Code Article 282.2, Part 1 for allegedly organising the association, and spent 278 days in detention and 77 days under house arrest after his arrest on 19 April 2018. He was then released under travel restrictions on 5 April 2019.

All seven defendants have, since 25 July 2018, been on the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose assets banks are obliged to freeze (although small transactions are permitted). (http://www.forum18.org/archive.php?article_id=2215) Zayshchuk remains the oldest person on the entire List.

Forum 18 wrote to the Primorye Region Prosecutor's Office before the start of the working day of 13 May 2020, asking whether it is seeking jail sentences for these elderly defendants and if so, why. Forum 18 received no reply by the end of the Vladivostok working day of 18 May.

Valentina Anatolyevna Suvorova was born on 18 January 1948. She made her first appearance at Metallurgical District Court in Chelyabinsk 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") on 3 March 2020, when 40 other Jehovah's Witnesses turned up to support her, but subsequent hearings have been postponed because of the Covid-19 isolation regime.

Suvorova remains under travel restrictions and has not spent time in detention. After three postponements, her next hearing is due to take place on 3 June.

Officers armed with guns and sledgehammers raided Suvorova's home and several others in and around Chelyabinsk on 26 March 2019. They did not arrest Suvorova and her husband at the time, but Jehovah's Witnesses quoted Suvorova as stating the experience caused her "incurable emotional trauma, additional stress, and poor health", including sleep problems, anxiety, and tachycardia (a heart condition with faster than normal heart beats which can be dangerous). Investigators charged her on 5 December 2019 and opened a separate case against her 74-year-old husband, Vladimir Nikolayevich Suvorov, on 16 January 2020. He remains a suspect.

According to the indictment, quoted by Jehovah's Witnesses on 25 December 2019, Suvorova stands accused of deliberately talking to Chelyabinsk residents about religion, singing hymns, praying, and studying religious literature, while "anticipating .. and

expecting the onset of socially dangerous consequences in the form of violation of the rights, freedoms and legitimate interests of person and citizen".

Forum 18 wrote to Chelyabinsk Region Prosecutor's Office before the start of the working day of 13 May 2020, asking whether it is seeking a jail sentence for Suvorova and if so, why. Forum 18 received no reply by the end of the Chelyabinsk working day of 18 May.

Four other over-70s are known to be currently on trial: Vera Ivanovna Zolotova (born 20 October 1946) in Yelizovo in Kamchatka; Maya Pavlovna Karpushkina (born 19 March 1949) in Khabarovsk; Lyudmila Aleksandrovna Shut (born 22 November 1947) in Volno-Nadezhdinskoye in Primorye; and Yevgeny Georgiyevich Udintsev (born 14 March 1949) in Kirov.

FSB forcibly ends hospital intensive care treatment?

Sergey Aleksandrovich Mysin (born 21 June 1965) is on trial at Zasviyazhsky District Court in Ulyanovsk. Although he had health problems before his prosecution began, they have since worsened with the stress of the investigation and trial, especially when he was in detention for 55 days after his arrest on 27 February 2019 (this was followed by house arrest, then travel restrictions).

Mysin's condition deteriorated in October 2019. He was taken to hospital on 14 October and to intensive care two days later, but Jehovah's Witnesses say he was discharged early on 21 October after FSB security service officers went to the hospital to insist that doctors halt his treatment. He is now at home and remains in poor health, the Jehovah's Witnesses told Forum 18 on 8 May. It did not confirm any details of his illness.

The Ulyanovsk Region FSB refused to answer any questions from Forum 18 on whether and, if so, why its officers had visited the hospital and ordered doctors to halt urgent treatment. "Send an official request for information," the officer – who did not give his name – told Forum 18 on 18 May.

Health problems, deaths

Many other Jehovah's Witnesses who have suffered raids on their homes, arrest, interrogation, detention, and lengthy trials have reported a deteriorating state of health. This has included both the exacerbation of existing conditions and the onset of new problems. In two cases, death has followed before full trials began.

Yury Mikhailovich Geraskov (born 12 January 1956) died on 24 April 2020, shortly before the first full hearing in his trial was due to take place at Pervomaysky District Court in Kirov. He and another six Jehovah's Witnesses had been charged 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"), and Criminal Code Article 282.3, Part 1 ("Financing of extremist activity").

Although Geraskov had not spent any time in detention (http://www.forum18.org/archive.php?article_id=2512), "stress connected with persecution for his faith had negatively affected Yury's health", Jehovah's Witnesses commented on 27 April 2020.

It is currently unknown when court hearings will now take place for Geraskov's fellow defendants: Maksim Valeryevich Khalturin (born 3 September 1974); Vladimir Aleksandrovich Korobeynikov (born 14 December 1952); Andrzej [Anatolyevich] Oniszczuk (born 3 October 1968; a Polish citizen and the only foreigner currently facing prosecution); Andrey Sergeyevich Suvorkov (born 26 February 1993); Yevgeny Anatolyevich Suvorkov (born 3 February 1978); and Vladimir Petrovich Vasilyev (born 22 November 1956).

Another Jehovah's Witness has died after investigators submitted the case against him to prosecutors and before it reached court. Viktor Ivanovich Malkov (born 21 February 1959) died in Smolensk on 26 April 2020, having spent eight months in detention and nearly four months under house arrest (http://www.forum18.org/archive.php?article_id=2512). He had suffered from coronary heart disease and kidney problems.

"Viktor's health was largely influenced by poor conditions in pre-trial detention centres and the stress associated with criminal prosecution," Jehovah's Witnesses stated after his death. (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