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RUSSIA: 43 trials with 93 defendants

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

For 93 people on trial in 43 cases for "continuing the activities of a banned extremist organisation" since the Supreme Court ban on Jehovah's Witnesses, court proceedings 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.

Three years after Russia's Supreme Court ordered the liquidation as "extremist" of all Jehovah's Witness associations in April 2017, 93 people are on trial on charges of "continuing the activities of a banned extremist organisation" for exercising the right to freedom of religion or belief. They include two men in Khabarovsk who have already been convicted in a separate, overlapping trial, and six people in Penza who are on trial for a second time after an appeal court overturned their convictions.

Stress relating to the raids and prosecutions is said to have been a factor in the deaths of a 64 year old and a 61 year old Jehovah's Witness, both of whom died in April before hearings could begin of their cases which had already been lodged in court. (http://www.forum18.org/archive.php?article_id=2571)

On 1 May 2020, the United Nations 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 but including Aleksandr Solovyov, the first to be sentenced (http://www.forum18.org/archive.php?article_id=2493) after the nationwide ban. It found that their human rights had been violated, stressing 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)".

If convicted, the 93 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 (http://www.forum18.org/archive.php?article_id=2571). The pandemic has led to the postponement of most court hearings, although defendants have continued to appear in person at hearings to decide restrictive measures.

Twenty of the 93 people on trial are in their sixties, seventies or eighties. The oldest defendant 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" (http://www.forum18.org/archive.php?article_id=2571).

As of 19 May, more than 350 people are being or have been prosecuted for "continuing the activities" of the Jehovah's Witnesses in Russia, Jehovah's Witnesses state. These cases derive directly from the Supreme Court ordering the liquidation as "extremist" of all Jehovah's Witness associations in April 2017 (http://www.forum18.org/archive.php?article_id=2297). Three people are in detention and four are under house arrest.

Four other Jehovah's Witnesses have been prosecuted for "extremism"-related offences dating from before the nationwide ban.

Agencies such as the Investigative Committee, the FSB security service, the police, and the National Guard have carried out 897 raids on homes, according to Jehovah's Witnesses. Raids are known to have been launched in 52 of Russia's 83 federal subjects, plus Crimea and Sevastopol, annexed by Russia in 2014 (where there have been three prosecutions resulting in two convictions so far (http://www.forum18.org/archive.php?article_id=2552)).

Court proceedings 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 for defendants. Property – such as cars or money – can be seized as surety for any subsequent fines (see below).

Employers have fired at least 18 people from their jobs under pressure from state agencies, while other Jehovah's Witnesses are pressured to resign "of their own free will" (see below).

Investigators have also had more than 200 Jehovah's Witnesses' bank accounts blocked, and they then often encounter problems registering for benefits, buying phone sim cards, and registering and insuring cars (see below).

The long cases and the stress associated with them can cause medical concerns or exacerbate existing conditions (http://www.forum18.org/archive.php?article_id=2571).

Risk of torture

Jehovah's Witnesses and others in both pre-trial detention and in prisons also face the risk of being tortured. No officials accused in three cases of torture of individuals detained for exercising freedom of religion or belief appear to have been arrested or put on criminal trial (http://www.forum18.org/archive.php?article_id=2554), against Russia's legally binding international obligations.

For example, investigators in Surgut in February 2019 hooded, kicked, beat and tortured seven Jehovah's Witnesses detained after raids with electric shocks. One of the Jehovah's Witnesses, Sergei Loginov was re-arrested shortly after he called the Investigative Committee's hotline to report his torture (http://www.forum18.org/archive.php?article_id=2489). After 56 days in custody, he was released under specific restrictions on 11 April 2019 (not allowed to go out at night, communicate with others involved in the case, or use the telephone, internet, or post). In contrast, two of the Investigative Committee officials implicated in the torture of the Jehovah's Witnesses were subsequently given awards, ostensibly for their work in 2018 (http://www.forum18.org/archive.php?article_id=2512).

43 trials with 93 defendants

The 43 trials currently underway involve 93 defendants, 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.

People are on trial in 21 regions of Russia, with the highest number of trials underway – nine – in the Jewish Autonomous Region in the Far East. This is because the regional branch of the FSB security service opened separate cases against most of the Jehovah's Witnesses they were investigating, each of which is heard separately (Jehovah's Witness lawyers have requested that some cases be merged, but Birobidzhan District Court has refused).

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

No Muslims who read the works of the late Turkish theologian Said Nursi are known to be on trial (http://www.forum18.org/archive.php?article_id=2571).

Prosecuted for prayer and hymn singing

Prosecutions of Jehovah's Witnesses are happening despite the Supreme Court judges' noting in both their initial (http://www.forum18.org/archive.php?article_id=2274) and appeal (http://www.forum18.org/archive.php?article_id=2297) rulings that the Court had not assessed the legality of the means of expression of Jehovah's Witness beliefs. The government also claimed, in

a submission to the European Court of Human Rights (ECtHR) in Strasbourg on 23 March 2018, that the ban “does not contain a restriction or prohibition on individual profession of [Jehovah's Witness] teachings”.

Jehovah's Witnesses therefore argue that the Supreme Court's 2017 ban applies to the activities of legal entities, not to the activities of individual believers.

Defence witnesses at the trial of Yury Prokopyevich Savelyov (born 1 January 1954), at Lenin District Court in Novosibirsk, used their courtroom testimony in January 2020 to explain the difference between a legal entity and a group of believers. They pointed out that the right of believers to gather together is protected by the Constitution. Savelyov has 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").

In Volgograd, Igor Artyomovich Yegozaryan (born 17 January 1965), Sergey Nikolayevich Melnik (born 29 June 1972), Valery Aleksandrovich Rogozin (born 25 March 1962); Vyacheslav Ivanovich Osipov (born 17 October 1970, no longer a Jehovah's Witness), and Denis Petrovich Peresunko (born 11 March 1978, no longer a Jehovah's Witness) are on trial at the city's Tractor Factory District Court under Criminal Code Article 282.2, Part 1 (Rogozin, Osipov, and Peresunko also under Article 282.3, Part 1).

At their first hearing on 6 February 2020, prosecutors read out the charges, which included "the performance of religious songs and prayers to their God", according to Jehovah's Witnesses. "If I am accused of praying to God, then I don't understand what is extremist in this, or what prayer has to do with banned organisations," defendant Igor Yegozaryan responded.

Prosecutors in Chelyabinsk also accused Valentina Anatolyevna Suvorova (born 18 January 1948) of deliberately talking to residents about religion, singing hymns, praying, and studying religious literature, "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", according to the indictment, cited by Jehovah's Witnesses on 25 December 2019. Suvorova is on trial at the city's Metallurgical District Court 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") (http://www.forum18.org/archive.php?article_id=2571).

Forum 18 asked Chelyabinsk Region Prosecutor's Office why it was seeking to punish Suvorova for exercising freedom of religion or belief, who she had harmed through her activity, and whether it was seeking a jail term for her. In his 19 May response, Deputy Prosecutor Yevgeny Salamatov did not answer these questions. He merely stated that the court would decide on her guilt and the form and level of her punishment.

Forum 18 has on several occasions asked investigative bodies and prosecutor's offices why they treat such activities as criminal offences when the Supreme Court itself emphasised that it was not the religion of Jehovah's Witnesses that was prohibited, but the activities of their Administrative Centre and its subdivisions, ie. legal entities. It has never received a response to this question.

Lengthy and complex proceedings

On several occasions, judges have sent cases back to prosecutors because of shortcomings in indictments and evidence. This does not mean, however, that defendants will avoid trial. Prosecutors may repeatedly appeal against such decisions, or may choose to re-work cases and resubmit them to court.

The first case a judge returned to prosecutors was that against Valeriya Aleksandrovna Rayman and her husband Sergey Alekseyevich Rayman, at Sverdlovsk District Court in Kostroma on 25 September 2019 (http://www.forum18.org/archive.php?article_id=2517). Kostroma Regional Court turned down prosecutors' appeal against this decision on 14 November 2019. They subsequently resubmitted the case, however, which is now being considered by a different judge. Four hearings have been so far postponed, most recently on 8 April 2020.

Lenin District Court in Vladivostok also sent back the case against six elderly female Jehovah's Witnesses (and 44-year-old Valentin Osadchuk) (http://www.forum18.org/archive.php?article_id=2571) on 12 November 2019. Prosecutors appealed unsuccessfully on 27 January 2020 at Primorye Regional Court, and will appeal again at the 9th Cassational Court in Vladivostok on 1 June 2020.

Yelizovo District Court in Kamchatka returned the case against Konstantin Aleksandrovich Bazhenov (born 24 July 1977), Snezhana Yevgenyevna Bazhenova (born 20 December 1977), and Vera Ivanovna Zolotova (born 20 October 1946) to prosecutors on 14 November 2019, but prosecutors succeeded in having this decision overturned at Kamchatka Regional Court on 9 January 2020. Proceedings therefore resumed on 12 February 2020, after the case was resubmitted.

One trial currently underway is a retrial. On 25 March 2020, Penza Regional Court overturned the convictions of Vladimir Aleksandrovich Alushkin (born 30 June 1964), 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). The Regional Court ordered that their case be re-examined (http://www.forum18.org/archive.php?article_id=2560).

Alushkin had been 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"). The others had received two-year suspended sentences 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") at Penza's Lenin District Court on 13 December 2019. The first full hearing in their retrial was due to take place on 14 May 2020, but proceedings have been suspended as "there is no realistic possibility for the accused to participate in proceedings", according to the court website. This is because of the "worsening epidemiological situation in the country", Jehovah's Witnesses stated on 15 May.

On trial again

Stanislav Viktorovich Kim (born 5 July 1968) and Nikolai Yuryevich Polevodov (born 10 February 1970) are facing a second conviction for "continuing the activities" of Jehovah's Witnesses. A judge at Railway District Court in Khabarovsk found them guilty 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 4 February 2020, and gave them two-year suspended sentences.

The two men are still on trial in a separate case at Khabarovsk's Industrial District Court under Criminal Code Article 282.2, Part 1. On trial alongside them are Vitaly Vyacheslavovich Zhuk (born 8 April 1972), and Maya Pavlovna Karpushkina (born 19 March 1949), Svetlana Grigoryevna Sedova (born 8 June 1969), and Tatyana Valentinovna Zhuk (born 13 March 1973), who have all been charged under Part 2.

"The verdict in the first case is definitely reflected in the second," Jehovah's Witnesses told Forum 18 on 19 May. "At the moment, it is difficult to say how strongly .. but in the eyes of the judge they will already be criminals."

The men's concluded trial (case investigated by the Khabarovsk Region FSB security service) ran from October 2019 to February 2020, overlapping entirely with the current trial (case investigated by the Khabarovsk Region Investigative Committee), which had its preliminary hearing in August 2019. This meant that Kim (himself a former Interior Ministry forensic specialist) and Polevodov were scheduled to attend hearings in two courts, sometimes on the same day.

The two men have spent most of this time in detention (82 days and 66 days respectively after their arrest, at a party in a rented cafe on 10 November 2018) or under house arrest (354 days and 201 days respectively). Both men are now on probation as a result of their February 2020 conviction.

"Because of the callous attitude of the authorities, the believers and their families are now forced to suffer doubly unjustly," Jehovah's Witnesses commented on 7 November 2019, when both sets of proceedings were underway.

The concurrent trials caused difficulties for the men's defence team. "It is difficult to defend [people] in two court proceedings at the same time, since you have to prepare for two cases, go to different courts, and go before different judges who react differently to what is happening," Jehovah's Witnesses commented to Forum 18 on 19 May.

Property seizures

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 for defendants.

At least 10 people currently on trial have had assets seized, including cars and large sums of money. Courts order this as surety against the possible non-payment of fines imposed in the event of a conviction. If a fine is not paid within the prescribed period, "the process of repossession of seized personal property is launched", Jehovah's Witness lawyers explained to Forum 18 on 8 May. The property is sold, and the proceeds are used to pay off the fine. If the defendant does pay the fine, then the seizure of personal property is cancelled.

Prosecutors in Arkhangelsk had two cars belonging to the family of Yevgeny Viktorovich Yakku (born 22 February 1980) seized on 28 February 2019, "in order to enforce a possible sentence, implying a fine of 3 years' salary or up to 700,000 Roubles", according to Jehovah's Witnesses.

Yakku has been on trial under Criminal Code Article 282.2, Part 1, Part 1.1, and Part 2 simultaneously – because he is charged with multiple offences, this means his punishment, if convicted, will be more severe, and he may receive a sentence of up to 15 years' imprisonment, Jehovah's Witnesses told Forum 18 on 8 May.

Yakku's case was transferred for jurisdictional reasons from October District Court to Solombalsky District Court on 19 February 2020. His lawyer challenged this at Arkhangelsk Regional Court on 16 April, but the outcome is unknown.

Other defendants whose property has been seized are:

- in Kemerovo, Aleksandr Iosifovich Bondarchuk (born 13 July 1974) and Sergey Nikolayevich Yavushkin (born 4 August 1960) – cars;

- in Ulyanovsk, Aleksandr Vyacheslavovich Ganin (born 8 January 1957) – a car, Khoren Nikolevich Khachikyan (born 25 April 1985) – a car, Natalya Aleksandrovna Mysina (born 17 December 1971) and Sergey Aleksandrovich Mysin (born 21 June 1965) – half a million Roubles and a car, Andrey Vladimirovich Tabakov (born 23 January 1973) – 600,000 Roubles, Mikhail Grigoryevich Zelensky (born 7 November 1960) – a car;

- in Vladivostok, Valentin Pavlovich Osadchuk (born 15 March 1976) – 26,000 Roubles and a car.

FSB security service officers also forced doctors to halt Sergey Mysin's treatment in intensive care in an Ulyanovsk hospital in October 2019 (http://www.forum18.org/archive.php?article_id=2571), Jehovah's Witnesses told Forum 18.

A court also ordered the seizure of a car belonging to Svetlana Yakovlevna Monis (born 15 July 1977), who is on trial in Birobidzhan (Jewish Autonomous Region), but Monis managed to regain permission to use the vehicle on appeal.

Financial pressure

Employers have fired from their jobs at least 18 people in 11 regions under pressure from state agencies, Jehovah's Witnesses stated on 23 April. Mostly, however, Jehovah's Witnesses are pressured to resign "of their own free will".

Individuals may also lose their jobs because they have been put in detention or under house arrest, or are prohibited from engaging in certain activities (such as using the internet); even travel restrictions may make it difficult to continue in certain jobs, especially once a trial begins and required regular attendance at court.

Investigators have also had more than 200 Jehovah's Witnesses placed on the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists" – these include people who are still only suspects, as well as those who have been charged and those who are on trial. Inclusion on the List obliges banks to freeze an individual's accounts, blocking all transactions over 10,000 Roubles (http://www.forum18.org/archive.php?article_id=2215). This makes it difficult or impossible to receive salaries and pensions.

Jehovah's Witnesses also point out that individuals on the Rosfinmonitoring List have encountered problems registering for benefits, buying phone sim cards, and registering and insuring cars. (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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