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RUSSIA: Five years after Jehovah's Witness ban, jailings continue

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

Five years on from the 2017 ban on Jehovah's Witnesses, prosecutors have launched criminal cases on "extremism" charges against more than 600 individuals, of whom more than 200 have so far been convicted. Nearly 60 have received prison terms ranging from one to eight years. Andrey Vlasov, who is registered disabled, was sentenced to seven years in labour camp. "The essence of the accusation boils down to the fact that after 2017 I remained a believer and profess the Jehovah's Witness religion," he told the court.

It is now five years since Jehovah's Witness organisations in Russia were in 2017 liquidated and banned as "extremist", thus making individual Jehovah's Witnesses vulnerable to criminal prosecution for "extremist" activity. In that time, investigators have opened criminal cases against more than 600 people in 70 of Russia's 83 regions (not counting Crimea and Sevastopol which Russia illegally annexed from Ukraine), of whom more than 200 have so far been convicted and only one acquitted in a first-instance court (later overturned on appeal by prosecutors). Nearly 60 people have received prison terms ranging from one to eight years.

Since the beginning of 2022, courts have sentenced six Jehovah's Witnesses to between four years and seven and a half years' imprisonment. These include Andrey Vlasov from Kemerovo Region, who is registered disabled but may have to spend seven years in a general-regime labour camp, and Anna Safronova from Astrakhan, whose six-year term is the longest yet handed down to a Jehovah's Witness woman (see below).

"The public prosecutor believes that I committed a crime. But what is this crime?", Vlasov asked in his final statement to the court on 23 May. "The essence of the accusation boils down to the fact that after 2017 I remained a believer and profess the Jehovah's Witness religion .. If we look the facts in the eye, how many people suffered from the so-called 'extremist' activities that I 'intentionally' carried out? [In this situation] only one person was injured! This person is me" (see below).

Forum 18 asked Kemerovo Region Prosecutor's Office why prosecutors had sought a long jail sentence, especially given Vlasov's disability, why Vlasov was considered dangerous, and who had been harmed by his actions. Its response did not answer these questions directly, merely asserting that the sentence the prosecutors had demanded was within the provisions of the Criminal Code article and that the court verdict had taken into account Vlasov's "state of health" and the circumstances of the case (see below).

A court in Stavropol Region jailed Konstantin Samsonov for 7 years and 6 months' imprisonment on 19 April. After completing his prison term he will also be barred from leading or participating in any "public religious organisation" for three years and will be under restrictions on freedom for one year. Two fellow Jehovah's Witnesses were convicted, though the court waived their fines (see below).

Forum 18 asked Stavropol Region Prosecutor's Office why it had requested long jail sentences for all three, why collective prayer and Bible study were considered crimes (particularly in light of the Supreme Court's amended guidance) and who had been harmed by the three men's actions.

Roman Zhironov of the Criminal Justice Department of the Prosecutor's Office replied that "The basis for sentencing was the totality of evidence, which the court found to meet the requirements of relevance [and] admissibility, and to be sufficient to conclude that the defendants were guilty" (see below).

Prosecutions and trials on accusations of "extremism" also continue of Muslims who meet to study the writings of the late Turkish theologian Said Nursi (see below).

Meanwhile, 71-year-old Valentina Baranovskaya – the oldest Jehovah's Witness and in February 2021 the first woman to receive a jail sentence (https://www.forum18.org/archive.php?article_id=2662) – left prison on 4 May after the Supreme Court of Khakasiya Republic upheld her request for parole from her two year jail sentence (https://www.forum18.org/archive.php?article_id=2747).

Danish citizen Dennis Christensen – the first Jehovah's Witness to be imprisoned (https://www.forum18.org/archive.php?article_id=2450) under Criminal Code Article 282.2 – was released from labour camp on 24

May, having served his sentence imposed in 2019 in full. As a result of his conviction, Christensen – who has never held Russian citizenship – lost his right of residence in Russia, and was ordered deported upon his release. He arrived in Denmark on 25 May 2022 (https://www.forum18.org/archive.php?article_id=2747), together with his Russian wife Irina.

Charges and punishments

After being kept under FSB security service or police surveillance for some months, most targeted Jehovah's Witnesses and Muslim readers of Nursi's works are prosecuted under Criminal Code Article 282.2 (https://www.forum18.org/archive.php?article_id=2215) for either "organising" (Part 1), or "participating in" (Part 2), "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 manifestations of freedom of religion and belief for which Jehovah's Witnesses and Muslims are prosecuted under both these parts of Criminal Code Article 282.2 are similar. They include meeting in each other's homes to pray and sing together, study sacred texts, and to discuss shared beliefs.

There is a wide range of compulsory and discretionary punishments – including post-imprisonment punishments (https://www.forum18.org/archive.php?article_id=2681) - for convictions under Criminal Code Article 282.2. Some Jehovah's Witnesses and Muslims have also faced charges under Criminal Code Article 282.3, Part 1 ("Financing extremist activity"), as well as under Criminal Code Article 282.2, Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation"), for which there is a similarly wide range of compulsory and discretionary punishments (https://www.forum18.org/archive.php?article_id=2681).

These punishments vary depending on the articles (https://www.forum18.org/archive.php?article_id=2681) under which a conviction takes place, and whether a sentence is a prison sentence, suspended prison sentence, fine, or assigned work sentence (https://www.forum18.org/archive.php?article_id=2681). Such punishments include bans on holding certain positions and/or carrying out certain activities, restrictions on freedom, and administrative supervision (https://www.forum18.org/archive.php?article_id=2681).

The state of "sudimost" (having an active criminal record, the state of being a convicted person) also brings with it formal penalties and informal obstacles to life (https://www.forum18.org/archive.php?article_id=2681), as does being on the Rosfinmonitoring "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2687) which among other consequences blocks their access to any bank accounts they might have. Almost everyone investigated or convicted on extremism-related charges is placed on the Rosfinmonitoring List.

People convicted on extremism-related charges are also barred from a wide range of occupations and activities (https://www.forum18.org/archive.php?article_id=2681). These include standing for election (this ban also covers people employed by or otherwise involved in "extremist" organisations, even if never prosecuted), and working in the aviation industry.

2017 ban on Jehovah's Witnesses

On 20 April 2017, Russia's Supreme Court granted the Justice Ministry's request that the Jehovah's Witness Administrative Centre should be declared an "extremist organisation", and that it and its 395 subsidiary structures – local religious communities across the country – should be liquidated and their activities prohibited. Appeal judges upheld the decision on 17 July 2017 (https://www.forum18.org/archive.php?article_id=2297).

The following year, it became clear that meeting for prayer, hymn singing, and Bible study was enough for Jehovah's Witnesses to be prosecuted under Criminal Code Article 282.2, Part 1 or Part 2.

Jehovah's Witnesses have long insisted that the Supreme Court ban applies only to the activities of registered legal entities, and not to individual or collective expressions of religious belief. In October 2021, the Supreme Court issued amendments to its decree governing the application of the Extremism Law (https://www.forum18.org/archive.php?article_id=2698).

The amendments direct judges to ascertain a defendant's "specific actions", their motivation, and "the significance [of these actions] for the continuation or resumption of a [banned organisation]'s activities". The amendments also note that a person's actions "consisting solely of the exercise of their right to freedom of conscience and freedom of religion [...] do not in themselves constitute a crime under Article 282.2, Part 2, if they do not contain signs of extremism".

These clarifications have so far had a noticeable but limited impact on judicial practice (https://www.forum18.org/archive.php?article_id=2747).

Muslims similarly prosecuted

Muslims who meet to study the writings of the late Turkish theologian Said Nursi may also be prosecuted under the Extremism Law for organising or participating in the activities of "Nurdzhular". The Supreme Court banned this association as "extremist" in 2008 (https://www.forum18.org/archive.php?article_id=2215), but Muslims in Russia deny any such formal organisation ever existed. Typically, such Muslims meet in homes to study Islam, with one or more expounding on Nursi's works. They also pray, eat, and drink tea together, and do not seek state permission to meet.

Three Muslims who met to study Nursi are currently on trial in Dagestan (https://www.forum18.org/archive.php?article_id=2747) under Criminal Code Article 282.2, Part 2. Five other residents of Dagestan appear to be under investigation on the same charge.

Six readers of Nursi's works are also under investigation under Criminal Code Article 282.2 in Tatarstan – three in Kazan and three in Naberezhnyye Chelny (https://www.forum18.org/archive.php?article_id=2747). It is unknown when these cases will reach court.

The most recent Nursi-related conviction is that of Nakiya Khametzakirovna Sharifullina (born 1 January 1958), who received a two-year suspended sentence with 18 months' probation (https://www.forum18.org/archive.php?article_id=2684) under Criminal Code Article 282.2, Part 1 on 31 August 2021. Both defence and prosecution challenged the decision, but Tatarstan's Supreme Court upheld Naberezhnyye Chelny City Court's original ruling and sentence (https://www.forum18.org/archive.php?article_id=2713) on 17 December 2021. Sharifullina's lawyers are now preparing to appeal further at the 6th Cassational Court in Samara.

At present, only one person who met with others to read Nursi's works remains imprisoned. A court in Dagestan sentenced Ilgar Vagif-ogly Aliyev (born 16 February 1977) in May 2018 to eight years' imprisonment plus two years of restrictions on freedom (https://www.forum18.org/archive.php?article_id=2386) for alleged involvement in "Nurdzhular".

6 Jehovah's Witness jail sentences since January

Since the beginning of 2022, courts have sentenced six Jehovah's Witnesses to terms of imprisonment ranging from four years to seven and a half years.

"In the main, harsh sentences are issued by the courts of the Krasnodar, Tomsk, and Astrakhan Regions," Jehovah's Witness lawyers commented on 26 May, when Forum 18 asked if they believed sentences were becoming more severe. "These regions are generally distinguished by the unimaginable severity of the judicial system."

"What is this crime?"

On 24 May 2022, Judge Pavel Kotykhov of Central District Court in Prokopyevsk (Kemerovo Region) sentenced Andrey Valeryevich Vlasov (born 19 November 1968) to seven years in a general-regime prison camp under Criminal Code Article 282.2, Part 1 ("Organising 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"). Prosecutors had requested eight years and six months' imprisonment. Vlasov was taken into custody from the courtroom.

In addition to the jail term, Judge Kotykhov handed Vlasov a five-year post-prison ban on "organisational work in religious or public organisations", as well as restrictions on freedom for one year, Kemerovo Region Prosecutor's Office told Forum 18.

"The public prosecutor believes that I committed a crime. But what is this crime?", Vlasov asked in his final statement to the court on 23 May. "The essence of the accusation boils down to the fact that after 2017 I remained a believer and profess the Jehovah's Witness religion .. If we look the facts in the eye, how many people suffered from the so-called 'extremist' activities that I 'intentionally' carried out? [In this situation] only one person was injured! This person is me."

"In gathering with my friends for joint religious meetings, I followed neither the charter of a [local religious organisation], nor human leadership", Vlasov added. "I followed the guidance from the Bible. It says, 'Let us not forsake our assembly' (Hebrews 10:24, 25)."

"From the whole process, I conclude that I am subject to criminal prosecution only because I remain a believer after the liquidation of legal entities," Vlasov noted in his final statement to the court.

"This is clearly seen in the indictment: 'acting illegally, deliberately, in accordance with his religious beliefs, pursuing the goal of disseminating the [Jehovah's Witness] doctrine'. The prosecutor's office believes that being a Jehovah's Witness and spreading this creed is a crime. But this, in turn, violates my rights guaranteed by the Constitution of the Russian Federation, as well as the European Convention for the Protection of Human Rights and Fundamental Freedoms."

Vlasov is registered as group II disabled. He did not name his condition in his final statement, but explained: "My physical condition is limited .. Due to stiffness in movement, without outside help, I cannot take care of my legs, put on socks, take care of my feet and toes. All this is done by my dear [wife] Natasha. I am in constant need of medical treatment and supervision."

(Under Russian law, disability is classified according to a person's capacity for work rather than specific impairments – group II, the middle of three groupings, refers to those who can only work under particular conditions, such as in a specially-equipped workshop, or who cannot work at all.)

Forum 18 wrote to Kemerovo Region Prosecutor's Office, asking why prosecutors had sought such a long jail sentence, especially given Vlasov's disability, why Vlasov was considered dangerous, and who had been harmed by his actions. In his response, Aleksandr Andryushchenko, acting head of the Criminal Justice Department of the Prosecutor's Office, insisted that the sentence the prosecutors had demanded was within the provisions of the Criminal Code article and that "In adopting the verdict, the court took into account information on the personality of A. V. Vlasov, the state of his health, the presence (or absence) of circumstances mitigating of exacerbating the punishment, and exceptional circumstances". Andryushchenko did not answer Forum 18's other questions.

Forum 18 also asked Central District Court why it had convicted Vlasov, given the Supreme Court's October 2021 amendments to its guidance for extremism-related cases. In his response of 26 May, the court's chief specialist, Aleksandr Korchagin, did not answer Forum 18's questions, but only reiterated the basic details of Vlasov's sentence. "The grounds and motives for imposing this punishment are set out by the judge in the verdict," he added, and that the sentence has not yet entered legal force. The written verdict is not available on the court website, Forum 18 notes.

The FSB security service initiated the criminal case against Vlasov in July 2020 and searched his home and workplace in the same month, confiscating electronic devices and his Bible. Investigators interrogated both Vlasov and his wife Natalya Vlasova, but charged only the former.

Vlasov spent a year and ten months under house arrest during the investigation and his trial. This – and his time in detention before any appeal – will be taken into account when calculating the term he will have to serve if his conviction enters legal force (at the rate of two days' house arrest to one day's imprisonment and one day in detention to one and a half in prison).

"De facto head of the banned religious organisation" jailed

Neftekumsk District Court (Stavropol Region) sentenced Konstantin Valeryevich Samsonov (born 1977) to 7 years and 6 months' imprisonment on 19 April. Should his conviction come into force, Samsonov will after completing his prison term also be barred from leading or participating in any "public religious organisation" for three years and will be under restrictions on freedom for one year, Roman Zhiron of the Criminal Justice Department of Stavropol Region Prosecutor's Office told Forum 18 on 30 May.

The Judge fined Samsonov's fellow defendants Aleksandr Andreyevich Akopov (born 1992) and Shamil Shapiyevich Sultanov (born 1977) 500,000 Roubles each (waived because of the time they had spent in detention during the investigation and trial).

All three men were arrested and detained in December 2018 (https://www.forum18.org/archive.php?article_id=2512), and they were all tried on the same charges:

– Criminal Code Article 282.2, Part 1 ("Organising 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 extremist activity").

It appears that Neftekumsk District Court concluded that Samsonov was the real leader of the whole community.

"The duty of the de facto head of the banned religious organisation was entrusted to [Samsonov], who, being the 'coordinator of the council of elders', for the purpose of secrecy divided the assembly of [Jehovah's Witnesses] into cells, one of which he personally headed," Press Secretary Natalya Slyusareva said in a statement on Neftekumsk District Court website on 20 April. "The leadership of other cells he delegated to [Akopov] and [Sultanov]."

Prosecutors had asked for 9 years' imprisonment for Samsonov and 8 years' imprisonment for Akopov and Sultanov. According to the court's website, both defence and prosecution have lodged appeals.

Forum 18 wrote to Stavropol Region Prosecutor's Office on 23 May to ask why it had requested such long jail sentences, why collective prayer and Bible study were considered crimes (particularly in light of the Supreme Court's amended guidance) and who had been harmed by the three men's actions.

Roman Zhiron of the Criminal Justice Department of the Prosecutor's Office replied on 30 May that "The basis for sentencing was the totality of evidence, which the court found to meet the requirements of relevance [and] admissibility, and to be sufficient to conclude that the defendants were guilty".

Forum 18 also enquired of Neftekumsk District Court on 24 May why Samsonov had received a prison term and his two fellow defendants fines, and why any of them had been found guilty given the Supreme Court's amended guidance. Forum 18 received no reply by the end of the working day in Neftekumsk of 31 May.

According to the court's press statement of 20 April, "After the liquidation of the Jehovah's Witness religious organisation, [Samsonov, Akopov, and Sultanov], who were in fact members of the religious organisation before the ban and who took part in its activities, being aware of the liquidation of the Jehovah's Witness local religious organisation in Budyonnovsk, decided to continue [its] activities in the Neftekumsk district."

The three men allegedly "assumed the leadership of the Budyonnovsk Jehovah's Witness local religious organisation, took deliberate actions of an organisational nature, expressed in holding meetings of the Jehovah's Witness local religious organisation in residential premises in Neftekumsk District, carried out in compliance with secrecy measures, where they conducted their religious speeches and services, studied and distributed religious literature of extremist content, collected funds under the guise of donations and controlled their distribution, carried out preaching activities, agreed and coordinated their actions with a parent organisation in the structure of the world organisation of Jehovah's Witnesses, [and] planned and carried out activities to involve new members in the activities of the banned religious extremist organisation."

(Samsonov, Akopov, and Sultanov are residents of Neftekumsk, but their nearest registered Jehovah's Witness community before the 2017 ban was in the larger town of Budyonnovsk, about 70 kms away. None of the three appears on the list of founder members of the Budyonnovsk Jehovah's Witness local religious organisation, according to federal tax records.)

In his final statement on 31 March, Aleksandr Akopov asked the court "to look at the actions of which we are accused, not only from a legal point of view, but also from the point of view of morals and morality. To put it simply, is what we did bad or not?"

"Studying the Bible, praying to Jehovah God, singing religious songs, communicating with fellow believers and helping them, as well as preaching and doing all this with the motives that we had – is this bad or not? Your Honour, I am convinced that all these actions cannot be bad, let alone extremist or dangerous."

Akopov added that "There are no casualties of our actions, and there cannot be. Because we only peacefully practiced our religion."

Four more 2022 jailings

Four more Jehovah's Witnesses have received prison terms since the beginning of 2022:

– Yevgeny Nikolayevich Korotun (born 13 April 1970) was sentenced to 7 years' imprisonment under Criminal Code Article 282.2, Part 1 on 20 January at Seversk City Court, Tomsk Region. Tomsk Regional Court upheld the ruling on 16 May.

– Anna Arnoldovna Safronova (born 22 July 1965) was sentenced to 6 years' imprisonment (https://www.forum18.org/archive.php?article_id=2714) under Criminal Code Article 282.2, Part 2 and Article 282.3 Part 1 on 25 January at Trusovsky District Court, Astrakhan. Astrakhan Regional Court upheld the ruling on 14 April. As of 29 April 2022, Safronova was being held at Investigation Prison No. 1 in Makhachkala, capital of the North Caucasus Republic of Dagestan, according to the jw-russia.org chronology of her case. It is unknown if she has since been transferred elsewhere, or in which institution she will serve her sentence.

– Anatoly Vasilyevich Gorbunov (born 15 August 1957) was sentenced to 6 years' imprisonment under Criminal Code Article 282.2, Part 1 on 2 February at October District Court, Krasnoyarsk.

– Lyudmila Ivanovna Shchekoldina (born 25 June 1976) was sentenced to 4 years and 1 month's imprisonment under Criminal Code Article 282.2, Part 2 and Part 1.1 on 24 May at Pavlovskaya District Court, Krasnodar Region.

Forum 18 wrote to the Astrakhan Region, Krasnodar Region, Krasnoyarsk Region, and Tomsk Region Prosecutors' Offices between 20 and 26 May to ask why they had requested jail sentences, why collective prayer and Bible study were considered crimes, and who had been harmed by the Jehovah's Witnesses' actions.

Forum 18 also asked the respective courts why – in the light of the Supreme Court's amended guidance – they had convicted the defendants, and why judges had imposed such substantial sentences. Forum 18 has received no responses from any of the courts or prosecutors' offices. (END)

More reports on freedom of thought, conscience and belief in Russia (<https://www.forum18.org/archive.php?country=10>)

For background information, see Forum 18's survey of the general state of freedom of religion and belief in Russia (https://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 (https://www.forum18.org/archive.php?article_id=2215)

A personal commentary by the Director of the SOVA Center for Information and Analysis (<https://www.sova-center.ru>), Alexander Verkhovsky, about the systemic problems of Russian "anti-extremism" laws (https://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 (https://www.forum18.org/archive.php?article_id=1351)

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