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RUSSIA: Further jail term for answering fellow prisoners' questions about faith?

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

For the first time, a Jehovah's Witness prisoner of conscience is on trial in Kostroma for his exercise of freedom of religion or belief while imprisoned. Dmitry Terebilov answered questions about his faith from a fellow prisoner. Officials have not explained why answering questions constitutes involving another person in an "extremist" organisation. The camp administration has recordings of his conversations, but prison officials have not said whether and why they kept him under surveillance. If found guilty, he could receive a further sentence of several years, on top of his present 3-year term.

Jehovah's Witness prisoner of conscience Dmitry Terebilov, who has been serving a sentence in a strict-regime labour camp (penal colony) in Kostroma Region, is currently on trial again for having answered questions about his faith from a fellow prisoner. The camp administration has recordings of his conversations. If found guilty, he could receive a further sentence of several years, on top of his present 3-year term.

There have so far been seven hearings, all postponed or adjourned for a variety of reasons. Terebilov is next due to appear in court on 8 August.

Investigators charged 44-year-old Terebilov with "Inclination, recruitment or other involvement of a person in an extremist organisation" (Criminal Code Article 282.2, Part 1.1) and "Participating in a banned extremist organisation" (Article 282.2, Part 2) in December 2023 when he was already jailed (see below).

Although several other Jehovah's Witnesses have been subject to multiple prosecutions, these investigations and trials have generally overlapped. Terebilov appears to be the first person to be prosecuted for an incident unrelated to the activity which led to his first conviction, and which took place well after the conclusion of his previous case, when he was already imprisoned (see below).

"The only reason for [the initiation of the case] was the fact that the believer answered his cellmate's questions about Jehovah's Witness beliefs", the European Association of Jehovah's Witnesses noted on 21 June 2023, shortly after it became known that Terebilov was under investigation.

Forum 18 wrote to the Federal Investigative Committee, asking:

- why answering questions from a fellow inmate constitutes involving another person in the activities of an extremist organisation;
- why Terebilov was under audio surveillance;
- and who has been harmed by his alleged actions.

Forum 18 has received no response (see below).

Forum 18 put the same questions to the Kostroma Region branch of the Federal Penitentiary Service, and the administration of Correctional Colony No. 1. Forum 18 also asked:

- how the administration had learned that Terebilov had answered questions about his beliefs (from surveillance or from informants);
- and how an imprisoned Jehovah's Witness can exercise the right to freedom of conscience and religion without being prosecuted.

Forum 18 has received no response (see below).

After Terebilov realised he was not receiving letters which used the name Jehovah for God, the administration of his prison colony also told him in writing that there is "a ban on using the name of God [ie. Jehovah] in letters and professing the religion of Jehovah's

Witnesses in the colony", the European Association of Jehovah's Witnesses noted on 14 December 2023. Terebilov unsuccessfully attempted in court to have the colony's actions ruled unlawful (see below).

Forum 18 wrote to Kostroma's Sverdlovsk District Court, asking:

- why the use of the name Jehovah constitutes dissemination of Jehovah's Witness beliefs, given that it is frequently used to refer to God in many contexts;
- how this could be considered dissemination of the Jehovah's Witness religion when the correspondence in which it was used was between people of the same Jehovah's Witness faith;
- and why answering questions from a fellow inmate constitutes involving another person in the activities of an extremist organisation.

Acting chair of the court Yevgeny Varsanofyev did not answer Forum 18's questions, but pointed to the 2017 Supreme Court ban on Jehovah's Witness organisations as "extremist". He added that assessing judges' decisions "is not within the competence of the chair of the court" (see below).

Jehovah's Witnesses in Russia, hundreds of whom have been prosecuted under anti-extremism legislation for exercising their right to freedom of religion and belief, can continue to face scrutiny, pressure, and violence even after they are convicted and imprisoned.

Other Jehovah's Witnesses have reported being threatened for speaking to others about their beliefs, having their Bibles confiscated, and being placed on "prophylactic registers" of inmates "prone to extremism" (see forthcoming F18News article).

The 36-year-old Jehovah's Witness prisoner of conscience Rinat Kiramov, who is serving a 7-year sentence in Tula Region, was transferred from his prison colony to a "medical-correctional institution" specialising in treating tuberculosis, despite not having complained of any health problems.

Over a period of four days in April, after Kiramov refused to give up the names of other Jehovah's Witnesses in his home town, other inmates punched and kicked him, shocked him with a stun gun, waterboarded him, and threatened him with rape. No one appears to have been punished for committing, instigating or acquiescing in the torture (https://www.forum18.org/archive.php?article_id=2916). There is a long-standing pattern of impunity for torturers.

Nevertheless, "The overwhelming majority of believers, despite threats and obstacles, find the opportunity to practice their faith", Jehovah's Witness lawyers commented to Forum 18 on 8 May. Many imprisoned Jehovah's Witnesses say they manage to maintain good relations with prison colony staff and fellow inmates.

Jehovah's Witnesses and Muslims both prosecuted on "extremism" charges

Since Russia's Supreme Court ordered the liquidation of Jehovah's Witness organisations in 2017 and outlawed their activities as "extremist" (https://www.forum18.org/archive.php?article_id=2897), more than 770 people have faced prosecution (https://www.forum18.org/archive.php?article_id=2897) under Criminal Code Article 282.2 (https://www.forum18.org/archive.php?article_id=2215) for "organising" (Part 1), or "participating in" (Part 2) the activities of a banned "extremist" organisation.

Muslims who meet to study the writings of the late Turkish theologian Said Nursi are also prosecuted under the Extremism Law (https://www.forum18.org/archive.php?article_id=2897), for organising or participating in the activities of "Nurdzhular", which the Supreme Court banned as an "extremist" organisation in 2008 (https://www.forum18.org/archive.php?article_id=2805). Muslims in Russia deny any such formal organisation ever existed.

Such Muslims typically 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.

Similarly, Jehovah's Witnesses are prosecuted because they continue to meet to pray, sing hymns, and read the Bible together. Unlike Nursi readers, however, they have also been charged with "financing extremist activity" (Criminal Code Article 282.3 (https://www.forum18.org/archive.php?article_id=2897), Part 1), and "Inclination, recruitment or other involvement of a person in an extremist organisation" (Criminal Code Article 282.2 (https://www.forum18.org/archive.php?article_id=2215), Part 1.1).

On trial again

Jehovah's Witness Dmitry Sergeyeovich Terebilov (born 2 January 1980), who has been serving a 3-year sentence in Kostroma's Correctional Colony No. 1 since February 2022, is now on trial for a second time for exercising his right to freedom of religion and belief. On this occasion, he is on trial for answering questions about his faith from a fellow prisoner.

Sverdlovsk District Court in Kostroma registered Terebilov's case on 31 January 2024 and has so far scheduled seven hearings before Judge Dmitry Gorokhov. All were either postponed or adjourned, mostly recently on 14 June 2024. Terebilov's eighth hearing is due to take place on 8 August.

Terebilov is due to be released from his current 3-year term on 6 September 2024. If he is found guilty on these new charges, he is likely to be imprisoned for several more years.

Criminal Code Article 282.2 (https://www.forum18.org/archive.php?article_id=2215), Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation") and Part 2 ("Participating in a banned extremist organisation") carry possible prison sentences of four to eight years and two to six years respectively.

If a person is found guilty of more than one crime in the same court process, the judge decides on separate punishments for each, then adds them together partially or in their entirety to form an aggregate sentence (governed by Criminal Code Article 69). Terebilov's previous convictions would also be an aggravating factor in sentencing.

Although several other Jehovah's Witnesses have been subject to multiple prosecutions, these investigations and trials have generally overlapped. Terebilov appears to be the first person to be prosecuted for an incident unrelated to the activity which led to his first conviction, and which took place well after the conclusion of his previous case, when he was already imprisoned.

The Central District Investigative Department of Kostroma's Investigative Committee, which also handled Terebilov's first prosecution, opened its new case against him on 20 April 2023, accusing him of involving the inmates of his prison colony in the activities of an extremist organisation.

Investigators charged Terebilov under Criminal Code Article 282.2 (https://www.forum18.org/archive.php?article_id=2215), Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation") and Part 2 ("Participating in a banned extremist organisation").

"The only reason for [the initiation of the case] was the fact that the believer answered his cellmate's questions about Jehovah's Witness beliefs", the European Association of Jehovah's Witnesses noted on its website 21 June 2023, shortly after the new prosecution became known.

"Conversations with other convicts"

According to the appeal judgment in a related administrative suit (see below), Terebilov "had conversations with other convicts aimed at involving new participants in the extremist organisation Jehovah's Witnesses", intended to render "intellectual assistance to this organisation", and "received correspondence from various citizens living both in the Russian Federation and abroad, containing excerpts from extremist materials".

It is unclear whether the cellmate was asking Terebilov questions out of genuine interest or if the prison administration or investigative authorities had instructed, pressured, or bribed him to do so. The latter scenario is known to occur.

Inmates of a prison medical facility near Tula tortured fellow Jehovah's Witness prisoner of conscience Rinat Kiramov in April, seeking names of other Jehovah's Witnesses (https://www.forum18.org/archive.php?article_id=2916) in his home town 900 kms (560 miles) away. It appears unlikely that the inmates were seeking these names on their own behalf. Torture has also previously been used to try to extract information (https://www.forum18.org/archive.php?article_id=2693) from other Jehovah's Witness prisoners.

On 14 November 2023, the European Association stated in its chronology of Terebilov's case that the inmate who "feigned interest in the Bible" was cooperating with investigators.

Certain penal institutions in Russia are known as "red zones". This means that the prison administration co-opts inmates in the organisation of the prison colony, as opposed to "black zones", which are under the influence of criminal hierarchies. Inmates are "either forcibly recruited by the internal security operational officers (operativniki) or .. volunteer their services to run prisoner self-organization committees, which are the officially legitimized groupings responsible for the day-to-day running of a detachment dormitory .. A sub-group of these are informants recruited to secretly report on fellow prisoners to the operational officers", researchers Rustamjon Urinboev and Judith Pallot noted in 2023 (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10825415/>).

Covert recordings

On 5 December 2023, the Investigative Committee questioned Terebilov as a suspect, asking him whether the voice on covert audio recordings was his. It is unclear whether prison authorities started making these audio recordings before or after they had learned that Terebilov was answering questions about religion.

On 6 December 2023, the Investigative Committee charged Terebilov under Criminal Code Article 282.2 (https://www.forum18.org/archive.php?article_id=2215), Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation"). A second charge, under Part 2 ("Participating in a banned extremist organisation"), appears to have been added later. Kostroma's Sverdlovsk District Court registered the case on 31 January 2024.

Forum 18 wrote to the Federal Investigative Committee on 22 May 2024, asking:

- why answering questions from a fellow inmate constitutes involving another person in the activities of an extremist organisation;
- why Terebilov was under audio surveillance;
- and who has been harmed by his alleged actions.

Forum 18 had received no response by the end of the working day in Kostroma of 24 June.

Forum 18 put the same questions to the Kostroma Region branch of the Federal Penitentiary Service, and the administration of Correctional Colony No. 1. Forum 18 also asked:

- how the administration had learned that Terebilov had answered questions about his beliefs (from surveillance or from informants);
- and how an imprisoned Jehovah's Witness can exercise the right to freedom of conscience and religion without being prosecuted.

Forum 18 had received no response by the end of the working day in Kostroma of 24 June.

Terebilov's address in Kostroma's Investigation Prison, to which he was transferred at the beginning of 2024 for the trial:

156005, Kostromskaya oblast,

g. Kostroma,

ul. Sovetskaya 88,

FKU Sledstvenny izolyator No. 1 UFSIN Rossii po Kostromskoy oblasti

Use of 'Jehovah' "regarded as dissemination of the 'Jehovah's Witness' religion"

Restricting the exercise of freedom of religion and belief in penal institutions is a common practice, often with the aim of controlling inmates' behaviour or punishing them for violations of the rules, even if these are minor (see forthcoming F18News article).

In the case of Jehovah's Witnesses, the situation is complicated by the fact that their religious practices are the reason they have been imprisoned. Investigators, prosecutors, and almost all judges understand such religious practices to be a continuation of the activities of banned and liquidated Jehovah's Witness legal entities, and therefore grounds for prosecution under "anti-extremism" legislation.

In Terebilov's case, according to the European Association of Jehovah's Witnesses, the colony administration has told him explicitly that "there is a ban on using the name of God [ie. Jehovah] in letters and professing the religion of Jehovah's Witnesses in the colony". He unsuccessfully took the colony to court in an attempt to have this statement ruled unlawful.

On 16 August 2023, the European Association of Jehovah's Witnesses noted in its chronology of Terebilov's original criminal case that he had not been receiving letters from friends and supporters which mention the name "Jehovah", despite the fact that "its use is not prohibited [in Russia] and it can be found in well-known works of literature".

Terebilov wrote to the colony administration on 1 September 2023, asking them "to clarify the rules for censoring incoming correspondence", according to the written appeal court ruling, seen by Forum 18.

On 22 September 2023, Terebilov received a response from the head of the colony, Maksim Minchev, who stated that "while on the territory of the Russian Federation, including in a correctional institution, it is prohibited to practice the Jehovah's Witness religion, and members of the Jehovah's Witnesses can be held accountable for extremism under Article 282.2, Part 2 of the Criminal Code".

Minchev's response also noted that it was prohibited to refer to God as Jehovah in correspondence.

Judge rejects Terebilov's lawsuit

Terebilov lodged an administrative lawsuit at Sverdlovsk District Court in Kostroma, registered on 18 December 2023. He asked the court to recognise the response from the head of the colony as unlawful and oblige the administration "to eliminate violations of his rights and freedoms". He noted that the colony's stance "violates his constitutional right to freedom of conscience and religion, and .. he has reasonable grounds to fear negative consequences for practicing his chosen religion".

"I understand the order of the [correctional colony], stated in the disputed letter, that 'it is prohibited to practice the religion of Jehovah's Witnesses', as a direct prohibition on exercising the right guaranteed by Article 28 of the Constitution of the Russian Federation", Terebilov argued, as quoted by the European Association of Jehovah's Witnesses in its chronology on 14 December 2023.

"For turning to God in prayer, reading the Bible, telling others about my beliefs, I may be subjected to disciplinary action, although such actions are absolutely normal for representatives of other religions and there is nothing illegal in them." Terebilov complained that the "overly broad position" of the colony administration, expressed in the letter, "lacks certainty and leads to arbitrariness and abuse of power".

Judge Olga Terezhkina considered Terebilov's lawsuit on 16 January 2024 and refused to uphold it. Terebilov and his lawyer Sergey Yanovsky made an unsuccessful appeal on 22 April 2024 at Kostroma Regional Court.

Terebilov and his lawyer argued in the first-instance court that the Supreme Court's 2017 ruling did not ban Jehovah's Witness beliefs. They quoted the Director of the Department for Humanitarian Cooperation and Rights of the Foreign Ministry, who stated on 20 February 2021 that the Supreme Court decision "emphasised that when considering the case, it evaluated neither the legality of Jehovah's Witness religious beliefs, nor the means of expressing them, but only the specific illegal actions of this organisation [the Jehovah's Witness Administrative Centre and its subsidiaries]".

By "professing his religion", Terebilov said that he understands "praying to God, reading the Bible, [and] explaining his professed religion to those who ask him about it". He pointed out that all of these are protected by Article 28 of the Russian Constitution and Article 18 of the International Covenant on Civil and Political Rights.

Judge Terezhkina, however, concluded that Terebilov had engaged in (as outlined in the appeal court decision) "wilful and active behaviour aimed at promoting the further development of a prohibited religious organisation, including – having been convicted of participation in the activities of such an organisation – [involving] convicts serving their sentences with him in the specified prohibited association through sermons, [and had] carried out correspondence with various citizens, using rewritten texts from literature recognised as extremist".

"That Terebilov is imprisoned .. should not affect his right to pray to God"

At the appeal hearing, according to the written decision seen by Forum 18, lawyer Sergey Yanovsky argued that the lower court's conclusions "actually boil down to accusing Terebilov of committing a crime under Criminal Code Article 282.2, Part 1.1, which is inadmissible within the framework of administrative proceedings".

Yanovsky also argued that the judge did not assess the compliance of the colony administration's statements with legislation on the freedom of religion and the Supreme Court's own clarification that its 2017 ruling was not a ban on Jehovah's Witness beliefs.

"The fact that Terebilov is imprisoned and professes a minority religion should not affect his right to pray to God, read the Bible and talk about his religious beliefs with others", Yanovsky said.

The panel of three appeal judges at Kostroma Regional Court concluded, however, that the colony administration's response "legally and reasonably indicated the inadmissibility for [Terebilov] of professing the Jehovah's Witness religion while serving a sentence in a correctional institution", but that this "does not prevent the administrative plaintiff adhering to his chosen faith without its objective dissemination [or] reading religious literature that is not classified as extremist".

The judges decided that, since Terebilov himself testified that he has the opportunity to pray and read the Bible and is "not limited in his communication with other convicts", there was no violation of his right to freedom of religion.

At the same time, however, his "objective actions in relation to other people, which he attributes to his free profession of religion (preaching for the involvement of citizens in participating in a banned religious association, correspondence using texts of extremist literature), are prohibited by current legislation and may entail criminal liability".

The judges also noted that the right of convicted prisoners to freedom of conscience and religion (as guaranteed by Article 14 of the Criminal Executive Code) "does not imply an arbitrary choice by convicts of the means and methods of its implementation".

The appeal decision also offers insight into the process of censorship in penal institutions. It notes that, according to internal regulations, all prisoners' letters, both sent and received, are subject to censorship by the colony administration; if these contain

"insults, threats, calls for violence [or] the commission of a crime or other offence, [or] other information, which may contribute to the commission of a crime", they are not passed on.

"Considering the crime committed by Terebilov, for which he is serving a sentence, when censoring his personal correspondence, as well as that which is sent to him, the use of the name 'Jehovah' in [the correspondence] in the general context of the written text is regarded as dissemination of the 'Jehovah's Witness' religion", the judges concluded.

Assessing judges' decisions "not within the competence of the chair of the court"

Forum 18 wrote to Kostroma's Sverdlovsk District Court on 22 May 2024, asking:

- why the use of the name Jehovah constitutes dissemination of Jehovah's Witness beliefs, given that it is frequently used to refer to God in many contexts;

- how this could be considered dissemination of the Jehovah's Witness religion when the correspondence in which it was used was between people of the same Jehovah's Witness faith;

- and why answering questions from a fellow inmate constitutes involving another person in the activities of an extremist organisation.

Acting chair of the court Yevgeny Varsanofyev responded on 10 June 2024. He did not answer Forum 18's questions, but stated only that "On 20 April 2017, by decision of the Supreme Court of the Russian Federation, the extremist activities of the Jehovah's Witnesses sect were prohibited throughout Russia". He added that assessing judges' decisions "is not within the competence of the chair of the court, but is considered in accordance with the current norms of legislation at the appeal or cassational level".

Sentenced to a strict-regime colony

Dmitry Terebilov was imprisoned four times for drug-related offences as a young man. He was released early from his final five-and-a-half-year term in 2013. He joined the Jehovah's Witnesses in 2014. In 2017, with the support of Kostroma police, he also had his post-imprisonment administrative supervision terminated early by Sverdlovsk District Court.

Terebilov started reading the Bible in prison while serving his final sentence on drug-related charges, the European Association of Jehovah's Witnesses commented on its website on 21 June 2023. This apparently brought about "positive changes in him", leading the colony administration to support his application for early release. "However, for the same Christian beliefs, Dmitry was sent to a maximum security colony", the Association noted.

Kostroma's Sverdlovsk District Court found Terebilov guilty (https://www.forum18.org/archive.php?article_id=2684) under Criminal Code Article 282.2 (https://www.forum18.org/archive.php?article_id=2215), Part 2 ("Participating in a banned extremist organisation") on 6 September 2021. It sentenced him to a 3-year term in a strict-regime prison colony. If a person is convicted of another offence while they still have an active criminal record (sudimost), they are likely to be imprisoned under a harsher regime. He appealed unsuccessfully at Kostroma Regional Court on 12 January 2022.

Terebilov arrived at Correctional Colony No. 1 in Kostroma on 16 February 2022 (unusually, he is serving his sentence in his home town).

"Conditions in the colony are satisfactory", the European Association of Jehovah's Witnesses noted in its chronology of the case on 14 November 2023. "Dmitry has a Bible, as well as the opportunity to communicate regularly with his wife by phone and to receive letters of support." (END)

For background information see Forum 18's Russia religious freedom survey (https://www.forum18.org/archive.php?article_id=2897)

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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