



This article was published by F18News on: 5 March 2012

RUSSIA: One "extremism" criminal trial ends, others continue

By Felix Corley, Forum 18 News Service <<http://www.forum18.org>>

After two years of investigation and trial hearings, Russian prosecutors have run out of time in their attempt to convict on "extremism"-related charges four Muslim readers of the works of theologian Said Nursi from Krasnoyarsk. However, criminal cases continue against other Muslim readers of Nursi's works and Jehovah's Witnesses elsewhere in Russia, Forum 18 News Service notes. Two of the defendants, Andrei Dedkov and Yevgeny Petry, cautiously welcomed the closure of the cases, though both stressed to Forum 18 that the decision has not been issued yet in writing. Both said that although this case is now closed, a new case could be launched at any time. Petry told Forum 18 the same day that he and his friends are still under surveillance and have their phone calls monitored. Dedkov noted that many of "our books" (Russian translations of Nursi's works) are still banned. A common factor in many of the Nursi reader and Jehovah's Witness cases is surveillance and raids by the FSB security service.

After two years of investigation and trial hearings, Russian prosecutors and the courts have run out of time in their attempt to convict on "extremism"-related charges four Muslims from the Siberian city of Krasnoyarsk. Their "offence" was to read the works of the late Turkish Muslim theologian Said Nursi. Forum 18 News Service notes that the four were the first Muslim readers of Nursi's works known to have faced criminal cases in Russia. However, criminal cases on similar charges continue against other Nursi readers elsewhere in Russia, as well as against Jehovah's Witnesses. The criminal trial of Jehovah's Witness Yelena Grigoryeva began on 28 February in the southern Astrakhan Region, while other criminal trials continue, Jehovah's Witnesses told Forum 18.

A criminal case has been launched against Nursi reader Amir Abuev, in Russia's Baltic exclave of Kaliningrad, after an FSB security service raid on his flat on 11 February. He is facing charges under 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") (see F18News 1 March 2012 <http://www.forum18.org/Archive.php?article_id=1674>).

Numerous lower court decisions have found - on highly questionable grounds - that Russian translations of the Islamic theological works of Nursi and Jehovah's Witness publications are "extremist" and so placed them on the Justice Ministry's Federal List of Extremist Materials (see "The battle with "religious extremism" - a return to past methods?" F18News 28 April 2009 <http://www.forum18.org/Archive.php?article_id=1288>). Anyone distributing works on the Federal List or storing them with the intention of distributing them is liable to criminal prosecution (see eg. F18News 21 June 2011 <http://www.forum18.org/Archive.php?article_id=1582>).

Case closed after two years

The case against the four Nursi readers in Krasnoyarsk - Aleksei Gerasimov, Fizuli Askarov, Yevgeny Petry and Andrei Dedkov - had its final hearing on 24 February at Judicial Unit No. 80 in the city's Soviet District, the court website notes. Magistrate Natalya Yermolenko told the Prosecutor and the defendants that the case was being closed because the two-year deadline for completing the case had run out.

Article 78 of the Criminal Code sets a two-year deadline for convicting individuals for crimes of "minor gravity".

Dedkov and Petry were 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"). Gerasimov and Askarov under Article 282.2, Part 2 ("Participation in the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity"). The cases were launched after February 2010 raids. After an investigation by the FSB lasting 16 months and 27 days, according to case documents seen by Forum 18, the trial began on 31 August 2011 (see F18News 31 August 2011 <http://www.forum18.org/Archive.php?article_id=1606>).

Article 282.2, which was changed in December 2011 to add a forced labour punishment possibility, is the usual choice of prosecutors seeking to punish Muslim readers of Nursi's works (see F18News 12 January 2012

<http://www.forum18.org/Archive.php?article_id=1654>).

Still under surveillance

Dedkov and Petry cautiously welcomed the closure of the cases, though both stressed that the decision has not been issued yet in writing. Both said that although this case is now closed, a new case could be launched at any time.

In a similar "extremism" case, Jehovah's Witness Aleksandr Kalistratov faced an initial trial starting in October 2010 (after being under investigation from December 2009), a first acquittal in April 2011, an appeal against the acquittal by Prosecutors, a new trial from June 2011 convicting him in November 2011, and an appeal against the conviction leading to his latest acquittal in January 2012 (see F18News 10 January 2012 <http://www.forum18.org/Archive.php?article_id=1653>).

"Under the law, we are innocent," Dedkov told Forum 18 from Krasnoyarsk on 29 February. He pointed to the time the interrogations and court hearings have taken as the case has progressed over two years, but says he does not regret the loss of his time. "Time is important to me, but I don't complain."

Petry told Forum 18 the same day that he and his friends are still under surveillance and have their phone calls monitored. Dedkov noted that many of "our books" (Russian translations of Nursi's works) are still banned.

State agencies, including the FSB security service, have for some years been conducting hidden surveillance of both Jehovah's Witnesses and Muslim readers of Nursi's works (see eg. F18News 27 July 2010 <http://www.forum18.org/Archive.php?article_id=1470>).

Internal government documents have revealed that moves against Jehovah's Witnesses and Muslim readers of Nursi's works are co-ordinated at a high state level. Both Jehovah's Witnesses and Nursi readers have been targeted in ways that suggest that their believers and communities are closely watched by the police and FSB security service - from both within and outside their communities. One Russian Orthodox Church diocese has been involved in this, and private employers and public libraries have also been ordered to co-operate in the campaign.(see F18News 12 August 2010 <http://www.forum18.org/Archive.php?article_id=1478>).

Akhtubinsk criminal trial begins

The criminal trial of 44-year-old Jehovah's Witness Yelena Grigoryeva began on 28 February under Judge Aleksandr Shalaev at Akhtubinsk District Court in the southern Astrakhan Region, the court website noted. Like Muslim readers of Nursi's works Dedkov and Petry, she too is being tried under Criminal Code Article 282, Part 1 ("Actions directed at the incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of an individual or group of persons on the basis of .. attitude to religion, .. conducted publicly or through the media"). Further hearings took place on 29 February and 1 March.

Article 282, which was slightly changed to increase punishments in December 2011, is the usual choice of prosecutors seeking to punish Jehovah's Witnesses exercising their freedom of religion or belief (see F18News 10 January 2012 <http://www.forum18.org/Archive.php?article_id=1653>).

The court website notes that the case was due to begin on 17 February, the same day Grigoryeva's two lawyers were given access to the documents in the case. However, they successfully appealed to have time to consider the materials.

Grigoryeva was accused of sharing her beliefs with people living in the Akhtubinsk District, as well as distributing printed material which is on the Federal List of Extremist Materials. The case was begun in early 2011 and was set to reach court on 25 January 2012. However, delays have been caused by the Investigation committee having appointed five investigators in succession to lead the case (see F18News 20 January 2012 <http://www.forum18.org/Archive.php?article_id=1658>).

Chita criminal trial continues

The criminal trial of Jehovah's Witness married couple, Andrei and Lyutsiya Raitin also continued under Judge Vera Popova at Chita District Court, in Siberia, on 27, 28 and 29 February, according to the court website. Like Grigoryeva, they are charged with breaking Criminal Code Article 282, Part 1.

At the 27 February hearing, FSB security service officer Dmitry Dogadin and Investigator Anatoly Tskhai both admitted that the cases themselves broke legal procedures. They both admitted that the case had been prepared for court with "serious violations" of the Criminal Procedure Code, Jehovah's Witnesses told Forum 18.

"Crucial" questioning for defence stopped

At the 28 February hearing, the Raitins' lawyers tried to question defence witnesses as to whether they believed the Raitins intended

to spread "enmity and hatred". However, Jehovah's Witnesses told Forum 18 on 1 March that the Judge stopped this line of questioning as "not relevant" to the case. "Prosecutors also supported this move, vigorously objecting to such questioning." Jehovah's Witnesses point out that establishing this is a "crucial factor in establishing whether or not a crime had taken place". They complained that Prosecutors were more interested in the structure and activity of the local Jehovah's Witness community.

Jehovah's Witnesses described the way the Judge is conducting the case as "a crude violation of the right to a just judicial hearing on the basis of the adversarial principle and the equality of the parties".

The Raitins' trial began with an initial hearing on 22 December 2011. Seven further hearings had taken place by the end of February 2012. The case was launched after the FSB security service claimed the Raitins had distributed 16 named Jehovah's Witness texts in 2010, knowing that they had been banned and placed on the Federal List. The Raitins deny the charges (see F18News 10 January 2012 <http://www.forum18.org/Archive.php?article_id=1653>).

Yoshkar-Ola criminal trial continues

The criminal trial of Jehovah's Witness Maksim Kalinin - initially only a suspect - has continued under Judge Sergei Makarov in the Republic of Mari-El, north-west of Kazan, at the regional capital of Yoshkar-Ola's City Court. The trial began on 25 January with further hearings in February, the Judge's Assistant told Forum 18 on 1 March. She said the trial is due to resume on 21 March. She could not explain why the case did not appear to be listed on the court website. Like Muslim readers of Nursi's works Dedkov and Petry, Grigoryeva, the Raitins, and other Jehovah's Witnesses, Kalinin is being prosecuted under Criminal Code Article 282, Part 1. The case against Kalinin followed a year and a half long investigation (see F18News 10 January 2012 <http://www.forum18.org/Archive.php?article_id=1653>).

At the 25 January 2012 hearing, the court rejected Kalinin's lawyer's attempt to have the case sent back to the Prosecutors. During the 8 February hearing, seven fellow members of Kalinin's community testified that they had never seen him incite enmity against others, Jehovah's Witnesses told Forum 18. At the 13 February hearing, a further five community members were questioned. The court rejected the Jehovah's Witness motion to allow the hearings to be video-recorded.

Friederike Behr, the Researcher on the Russian Federation for the human rights organisation Amnesty International, has closely followed Kalinin's case. "Amnesty International does not consider publications of Jehovah's Witnesses to incite hatred. Nevertheless, I tried to be as open to all sides in this case as possible. I read through the records of previous court hearings and attended two days at the court in Mari El," she told Forum 18 from Yoshkar-Ola on 29 February. "During these days, I did not hear any substantial or convincing evidence that Maksim Kalinin has committed the acts he is charged with - that is the distribution of banned literature."

FSB surveillance

The investigation followed August 2010 raids on private homes, and a Jehovah's Witness worship service in Yoshkar-Ola at which Kalinin was present. Amongst the evidence is FSB security service surveillance "using a hidden camera in his home without his knowledge", as well as FSB tapping of telephone calls made by seven other Jehovah's Witnesses, according to court documents (see F18News 26 August 2010 <http://www.forum18.org/Archive.php?article_id=1480>). (END)

For more background, see Forum 18's Russia religious freedom survey at <http://www.forum18.org/Archive.php?article_id=1196>.

Analysis of the background to Russian policy on "religious extremism" is available in two articles: - 'How the battle with "religious extremism" began' (F18News 27 April 2009 <http://www.forum18.org/Archive.php?article_id=1287> - and - 'The battle with "religious extremism" - a return to past methods?' (F18News 28 April 2009 <http://www.forum18.org/Archive.php?article_id=1288>).

A personal commentary by Irina Budkina, Editor of the <<http://www.samstar.ru>> Old Believer website, about continuing denial of equality to Russia's religious minorities, is at F18News 26 May 2005 <http://www.forum18.org/Archive.php?article_id=570>.

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, is at F18News 19 July 2010 <http://www.forum18.org/Archive.php?article_id=1468>.

Reports on freedom of thought, conscience and belief in Russia can be found at <<http://www.forum18.org/Archive.php?query=&religion=all&country=10>>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at <http://www.forum18.org/Archive.php?article_id=1351>.

A printer-friendly map of Russia is available at <<http://education.nationalgeographic.com/education/mapping/outline-map/?map=Russia>>.

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