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RUSSIA: Many long "extremism" trials, few convictions

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

A trial date is about to be named for 25-year-old Muslim Ramil Latypov, a court official at Orenburg's Lenin District Court in the Russian Urals told Forum 18 News Service on 5 June. Like many readers of the works of the late Turkish Muslim theologian Said Nursi, Latypov is facing prosecution on "extremism"-related criminal charges. Like many such prosecutions, the case was initiated by Russia's Federal Security Service (FSB), the regional Prosecutor's Office told Forum 18. Of criminal trials of 15 religious believers on "extremism"-related charges known to have been completed, only five individuals (all Nursi readers) ended up with prison terms, despite investigations and trials often lasting several years and the insistence of prosecutors that the individuals are dangerous. Five more received suspended prison terms. One (a Jehovah's Witness) was ultimately acquitted. The trial of the other four failed to reach a verdict within the two-year trial period allowed.

As criminal trials of religious believers on "extremism"-related charges continue across Russia, the latest criminal case to reach court is of an Orenburg-based Muslim Ramil Latypov. His case has been assigned to Judge Aleksandr Artamonov at Orenburg's Lenin District Court, and a date for the trial to begin is to be set soon, the Judge's assistant told Forum 18 News Service from Orenburg on 5 June. Like many other "extremism"-related prosecutions, this was initiated by Russia's Federal Security Service (FSB), the regional Prosecutor's Office told Forum 18.

Latypov is a reader of the works of the late Turkish Muslim theologian Said Nursi. More than 20 Muslim readers of Nursi's works have faced criminal cases across Russia in recent years.

Four Jehovah's Witnesses are on trial facing criminal charges of inciting hatred, charges which they all reject. Jehovah's Witnesses are also highly concerned about an "extremism"-related criminal investigation against seventeen local members in Taganrog in southern European Russia (see below).

The trials of 15 religious believers on "extremism"-related criminal charges are known to have been completed, these being 14 Muslim readers of Nursi's works and one Jehovah's Witness. Despite many of the investigations and trials lasting several years and the insistence of prosecutors that the individuals are dangerous, only 10 of the religious believers (all Nursi readers) eventually ended up being convicted. Of these, five received prison sentences and five received suspended prison sentences. The one Jehovah's Witness was ultimately acquitted. The trial of the remaining four Nursi readers lapsed as they had not been convicted within the required two-year period.

Criminal sanctions

Muslims who read Nursi's works generally face charges under Criminal Code Article 282.2. Article 282.2, Part 1 punishes "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".

Article 282.2, Part 2 punishes "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 maximum punishment under Part 1 of Article 282.2 is three years' imprisonment, and under Part 2 of the Article two years' imprisonment (see F18News 12 January 2012 <http://www.forum18.org/Archive.php?article_id=1654>).

Jehovah's Witnesses the authorities have chosen to bring to criminal trial have generally faced charges 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"). The maximum punishment under this Article is two years' imprisonment (see F18News 10 January 2012 <http://www.forum18.org/Archive.php?article_id=1653>).

Latest prosecution

The 25-year-old Nursi reader Latypov faces charges under Criminal Code Article 282.2, Part 1. The case was launched in 2010, Orenburg Regional Prosecutor's Office noted in a statement on its website on 21 May (though the statement did not identify Latypov by name). It said the indictment had been signed off on 16 May by Deputy Regional Prosecutor Aleksei Volkov and handed to Orenburg's Lenin District Court two days later.

Latypov is accused of having participated in "illegal" meetings between April 2008 and March 2009 of the Nurdzhular movement, "the aim of whose activity is the creation of a worldwide Islamic state or caliphate", the Prosecutor's Office alleged.

The case against Latypov was launched in 2010, a year after a similar case was launched against fellow Orenburg Muslim and Nursi reader Asylzhan Kelmukhambetov. Latypov was among those taken to Orenburg's Organised Crime Police after they, together with the FSB security service, raided Muslims in university accommodation in the city in March 2009 (see F18News 16 July 2009 <http://www.forum18.org/Archive.php?article_id=1328>).

Kelmukhambetov was eventually sentenced in June 2011 to 18 months' imprisonment. After months in a prison hospital, he was freed in January 2012 (see F18News 20 January 2012 <http://www.forum18.org/Archive.php?article_id=1658>).

Latypov hid from the "investigation authorities", the Prosecutor's Office said. Since they located him, he has been required to sign a pledge not to leave Orenburg Region, Olga Anikeyevna of the Regional Prosecutor's Office told Forum 18 from Orenburg on 24 May. She said the case had been investigated by the FSB security service, but refused to say who the investigator in the case had been or give any other information about the case.

The Orenburg Region FSB refused to explain why it investigated and brought to court a criminal case against Latypov. "We give no commentary by telephone," the duty officer told Forum 18 on 24 May. The press officer also refused to answer any questions by telephone. Forum 18 submitted written questions the same day but, as of the end of the working day in Orenburg on 6 June, had received no response.

Imprisoned religious believers

The five convicted religious believers known to have received prison terms in recent years on "extremism"-related charges are all Muslims who read Nursi's works:

1. Asylzhan Kelmukhambetov; Orenburg; Article 282.2, Part 1; arrested 28 June 2011; convicted 28 June 2011; 18 months' imprisonment; freed 19 January 2012 (see F18News 20 January 2012 <http://www.forum18.org/Archive.php?article_id=1658>).
2. Rashid Abdulov; Ulyanovsk; Article 282.2, Part 1 and Article 282, Part 2 (c); arrested 20 January 2011; convicted 7 September 2011; one-year's compulsory work; freed 7 September 2011 (see F18News 12 September 2011 <http://www.forum18.org/Archive.php?article_id=1612>).
3. Elshan Gasanov; Nizhny Novgorod; Article 282.2, Part 1; arrested (date unknown); convicted 11 October 2011; one year's imprisonment; freed (date unknown) (see F18News 14 October 2011 <http://www.forum18.org/Archive.php?article_id=1625>).
4. Alesker Safarov; Nizhny Novgorod; Article 282.2, Part 2; arrested (date unknown); convicted 11 October 2011; eight months' imprisonment in an open-type prison; freed (date unknown) (see F18News 14 October 2011 <http://www.forum18.org/Archive.php?article_id=1625>).
5. Renat Khayarov; Nizhny Novgorod; Article 282.2, Part 2; arrested (date unknown); convicted 11 October 2011; eight months' imprisonment in an open-type prison; freed (date unknown) (see F18News 14 October 2011 <http://www.forum18.org/Archive.php?article_id=1625>).

Suspended sentences for religious believers

The five convicted religious believers known to have received suspended prison terms in recent years on "extremism"-related charges are all Muslims who read Nursi's works:

1. Ilham Islamli; Nizhny Novgorod; Article 282, Part 1; arrested 18 June 2010; convicted 18 August 2010; ten months' detention, suspended for one year; freed 18 August 2010 (see F18News 26 August 2010 <http://www.forum18.org/Archive.php?article_id=1480>).
2. Ziyavdin Dapayev; Makhachkala; Article 282.2, Part 2 (originally Article 282.2, Part 1); not arrested; convicted 18 May 2011; three-year prison sentence, suspended for two years (see F18News 21 June 2011 <http://www.forum18.org/Archive.php?article_id=1582>).

3. Nazim Akhmedov; Nizhny Novgorod; Article 282.2, Part 2; convicted 11 October 2011; eight month prison term, suspended for one year (see F18News 14 October 2011 <http://www.forum18.org/Archive.php?article_id=1625>).

4. Ramil Kerimov; Nizhny Novgorod; Article 282.2, Part 2; convicted 11 October 2011; eight month prison term, suspended for one year (see F18News 14 October 2011 <http://www.forum18.org/Archive.php?article_id=1625>).

5. Igor Kuznetsov; Nizhny Novgorod; Article 282.2, Part 2; convicted 11 October 2011; eight month prison term, suspended for one year (see F18News 14 October 2011 <http://www.forum18.org/Archive.php?article_id=1625>).

Acquitted religious believer

The only completed criminal case against a Jehovah's Witness - under Article 282, Part 1 - eventually ended with his acquittal. Aleksandr Kalistratov faced an initial trial in Russia's Altai Republic 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 ultimate acquittal in January 2012 (see F18News 10 January 2012 <http://www.forum18.org/Archive.php?article_id=1653>).

Trial ends with no conviction

Four religious believers - all Nursi readers tried together in Krasnoyarsk - had their cases dropped on 24 February 2012 as the court failed to convict them within the required two-year period (see F18News 5 March 2012 <http://www.forum18.org/Archive.php?article_id=1675>), The four are :

1. Aleksei Gerasimov; tried under Article 282.2, Part 2.
2. Fizuli Askarov; tried under Article 282.2, Part 2.
3. Yevgeny Petry; tried under Article 282.2, Part 1.
4. Andrei Dedkov; tried under Article 282.2, Part 1.

Detained during failed extradition bid

In addition, Bobirjon Tukhtamurodov was imprisoned in Russia following an extradition request from his native Uzbekistan. He had requested refugee status in Russia, but courts in Novosibirsk ordered his extradition. On 26 April 2011, the Supreme Court upheld the lower court's decision to cancel the order to extradite him back to Uzbekistan (see F18News 14 October 2011 <http://www.forum18.org/Archive.php?article_id=1625>).

Jehovah's Witness criminal trials continue

Trials of four Jehovah's Witnesses continue under Criminal Code Article 282, Part 1 in three different courts.

The criminal trial of married couple, Andrei and Lyutsiya Raitin continues at Chita District Court, in Siberia. The trial began with a preliminary hearing on 22 December 2011 (see F18News 5 March 2012 <http://www.forum18.org/Archive.php?article_id=1675>). There had been a further 25 hearings by 31 May, the Court website notes, and the trial is due to continue on the morning of 25 June.

The defence has twice petitioned to have Judge Vera Popova removed from the case, complaining that she is biased, Jehovah's Witnesses told Forum 18. Although some evidence was collected without observing legal procedures, the Judge has rejected defence petitions to have it excluded from the case (see F18News 5 March 2012 <http://www.forum18.org/Archive.php?article_id=1675>).

The criminal trial of Yelena Grigoryeva held its latest hearing on 25 April at Akhtubinsk District Court in the southern Astrakhan Region. The case was begun in early 2011 and, after five different investigators had worked on it, was presented to the Court in February 2012 (see F18News 5 March 2012 <http://www.forum18.org/Archive.php?article_id=1675>). The first hearing took place on 28 February, with further hearings over many days in March and April (see F18News 28 March 2012 <http://www.forum18.org/Archive.php?article_id=1685>).

The Court has now ruled that a new "expert analysis" of Jehovah's Witness literature should be sought, the court website notes. An earlier "expert analysis" of Jehovah's Witness literature in her case conducted by Alfia Istileyeva for the prosecution in December 2011, which forms an integral part of the prosecution case, appears to have been plagiarised. A 9 April 2012 analysis of Istileyeva's work conducted by Andrei Smirnov at the request of the defence showed large sections to have been copied from various other works, including "anti-sect" websites. The defence sought on 24 April to have this earlier "expert analysis" rejected, but Judge Aleksandr Shalaev rejected this, Jehovah's Witnesses complained to Forum 18.

Forum 18 asked Istilyeva in writing on 14 May whether she had engaged in plagiarism in the "expert analysis" or not. Despite resending the questions several times, Forum 18 had received no response by the end of the working day in European Russia on 6 June.

On 27 April the Court ruled to lift the restrictions on Grigoryeva's freedom of movement. Although she is now able to leave Astrakhan Region if she wishes to, she still needs to be ready at any time to return to court.

The criminal trial of Maksim Kalinin continues 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 the most recent hearing on 30 May (see F18News 28 March 2012 <http://www.forum18.org/Archive.php?article_id=1685>).

Kalinin's trial is due to resume on 8 June, with a verdict expected on 1 July, Jehovah's Witnesses told Forum 18.

Sought for possible criminal trial

Two Muslims from Ulyanovsk who read Nursi's works are known to be being sought for possible criminal trial:

1. Ayrat Akhtyamov - an indictment under Criminal Code Article 282.2, Part 1 and Article 282, Part 2 (c) was drawn up in Ulyanovsk on 10 June 2011.
2. Ilkham Khisanutdinov - an indictment under Criminal Code Article 282.2, Part 1 and Article 282, Part 2 (c) was drawn up in Ulyanovsk on 10 June 2011 (see F18News 19 July 2011 <http://www.forum18.org/Archive.php?article_id=1594>).

Criminal investigations

Six Muslims who read Nursi's works are known to be under investigation under the Criminal Code.

Two Muslim readers of Nursi's works in the Siberian city of Novosibirsk, Ilham Merazhov and Kamil Odilov, are being investigated under Article 282.2, Part 1. The cases follow raids on their homes in October 2011 (see F18News 12 January 2012 <http://www.forum18.org/Archive.php?article_id=1654>).

Kaliningrad-based Nursi reader Amir Abuev is facing an FSB security service-instigated criminal case under Article 282.2, Part 1 following an 11 February raid on his home. The FSB investigator is seeking to have an enforced psychiatric examination (see F18News 16 May 2012 <http://www.forum18.org/Archive.php?article_id=1701>).

Investigators in Chelyabinsk east of the Urals are continuing to investigate three local Muslim readers of Nursi's works. At least two of the three, Farida Ulmaskulova and Gulnaz Valeyeva, are being questioned as suspects under Criminal Code Article 282.2, Part 2. The cases followed raids in August 2011 (see F18News 12 January 2012 <http://www.forum18.org/Archive.php?article_id=1654>).

Criminal investigations

Numerous criminal investigations against Jehovah's Witnesses on "extremism"-related charges are underway across Russia. Most are being investigated under Criminal Code Article 282, as is the case in Orenburg, where many Jehovah's Witness homes and places of worship were raided on 4 May (see F18News 16 May 2012 <http://www.forum18.org/Archive.php?article_id=1701>).

However, Jehovah's Witnesses expressed great concern about the criminal charges against 17 named members of their community in Taganrog. This is the first case where Jehovah's Witnesses are being accused under Criminal Code Article 282.2. Case documents reveal the involvement of the FSB security service and the police's Anti-Extremism Centre in preparing the basis for at least some of the accusations (see F18News 28 March 2012 <http://www.forum18.org/Archive.php?article_id=1685>).

The Taganrog Jehovah's Witness community was liquidated as "extremist" by Rostov-on-Don Regional Court in September 2009. The decision was upheld by Russia's Supreme Court in December 2009 (see F18News 8 December 2009 <http://www.forum18.org/Archive.php?article_id=1385>).

On 31 May, Senior Investigator for Especially Important Cases Ivan Bondarenko issued separate charges against each of the 17, according to case documents seen by Forum 18. The 17 were summoned to Bondarenko to be informed of this the same day.

The telephones of Investigator Bondarenko went unanswered each time Forum 18 called on 5 and 6 June.

"I fear this will be a major, long-running case," Grigory Martynov, Jehovah's Witness spokesperson, told Forum 18 from St Petersburg on 5 June. "They're accusing ordinary members of the community - and throwing a lot of resources at the case."

Blogger investigated

In Murmansk, Maksim Yefimov is being investigated under Criminal Code Article 282, Part 1, in a case launched by the local Investigation Committee on 5 April. He is accused of incitement to hatred or enmity against Orthodox believers after a critical article about the local Orthodox Church on a website (see F18News 16 May 2012 <http://www.forum18.org/Archive.php?article_id=1701>).

Extremist organisations?

Russia's Supreme Court banned Nurdzhular in April 2008, but Nursi readers deny that any such organisation exists (see F18News 29 May 2008 <http://www.forum18.org/Archive.php?article_id=11361>). However, only the Jehovah's Witness community in Taganrog has been declared "extremist" and banned, not the Jehovah's Witness community as a whole.

As of 6 June, 68 Jehovah's Witness publications and 19 of the works of Nursi in Russian translations are among those to have been declared to be "extremist" and banned by local courts. These works have then been placed on the Justice Ministry's Federal List of Extremist Materials. 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>).

In June 2011, Russia's Supreme Court made it clear that cases under "extremism"-related Articles of the Criminal Code should be very carefully and narrowly framed. But this has not stopped cases against Muslim readers of Nursi's works and Jehovah's Witnesses (see F18News 19 July 2011 <http://www.forum18.org/Archive.php?article_id=1594>). (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 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>.

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>.

More 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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