

24 January 2023

RUSSIA: Two trials, nine long jail terms

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

Eight of nine Jehovah's Witnesses convicted on "extremism"-related charges in two trials in Russia's Far East in December 2022 received jail terms of 6 to 7 years. An Amur Region Prosecutor's Office official justified the jailings: "Any missionary activity of members of a religious organisation liquidated by a court in connection with repeated violations of the law on countering extremist activity will be illegal in nature and subject to liability established by law." The 9 were among 124 Jehovah's Witnesses criminally convicted in 2022. Trials continue.

In two trials in mid-December 2022, two courts in Russia's Far East sentenced a total of 9 Jehovah's Witnesses to long jail terms. All but one received jail terms of between 6 and 7 years. The 9 men were among 19 Jehovah's Witnesses to receive general-regime prison terms in the last quarter of 2022.

Raids, prosecutions, and convictions of Jehovah's Witnesses for practising their faith in Russia continued unabated in 2022, despite the issuance in late 2021 of amended guidance for judges in "extremism"-related cases.

In 2022 there were 124 convictions in first-instance courts, according to Jehovah's Witness statistics. A small number of convictions were later overturned on appeal and sent back to prosecutors or for re-trial. The number of convictions has risen every year since prosecutions began in 2018, after the nationwide ban on Jehovah's Witness activities.

In Birobidzhan, capital of the Jewish Autonomous Region, which has seen one of the highest numbers of prosecutions in the country, the district court handed two men 7-year jail sentences and their two fellow defendants jail terms of 6-and-a-half years and 3-and-a-half years respectively. All the jail sentences will be followed by lengthy periods of restrictions and bans on particular activities (see below).

In his final speech, Valery Kriger – jailed for 7 years - told the court that "although the prosecution states that I participated in organising [the activities] of the Local Religious Organisation of Jehovah's Witnesses in the city of Birobidzhan, in fact it all boiled down to the fact that I, along with fellow believers, read the Bible, prayed, and sang religious songs" (see below).

Forum 18 asked Birobidzhan District Court why such long prison terms had been sought and imposed to punish the exercise of freedom of religion or belief, why – in light of the Supreme Court's amended guidance that exercising freedom of religion or belief is not in itself grounds for prosecution – the men had been convicted, and in what way they could be considered dangerous. Irina Belousova, acting chair of the Court, responded that "judges are not obliged to give any explanation of the merits of cases, considered or pending" (see below).

Another five men received jail sentences of over 6 years each in Blagoveshchensk, capital of the Amur Region, another region where Jehovah's Witnesses have been particularly heavily targeted. Two of the men's wives also face criminal cases (see below).

In his final speech, Sergey Afanasyev – jailed for 6 years and 6 months - told the court that "I am well aware that I am being judged for my faith. If I weren't a Jehovah's Witness, I wouldn't be in the dock now" (see below).

Roman Korolyov of the Amur Region Prosecutor's Office justified the jailing of the five Jehovah's Witnesses. "Any missionary activity of members of a religious organisation liquidated by a court in connection with repeated violations of the law on countering extremist activity will be illegal in nature and subject to liability established by law," he told Forum 18 (see below).

Muslims who meet to read the works of the late Turkish Muslim theologian Said Nursi similarly face prosecutions on "extremism" charges. Six men are on trial in Moscow, three men in Naberezhnyye Chelny and three men in Kazan (see below).

Russia is also imposing long jail terms on Jehovah's Witnesses in occupied Crimea (https://www.forum18.org/archive.php?article_id=2790) and appears to be extending such punishments to other occupied areas of Ukraine.

In 2022, 48 Jehovah's Witnesses were jailed. Sixty three received suspended sentences, 12 were fined, and one man was given an assigned work sentence (https://www.forum18.org/archive.php?article_id=2681).

The number of Jehovah's Witnesses simultaneously behind bars (in prison camps after conviction, and in detention centres during investigation and trial) passed 100 for the first time in 2022. This figure stood at 115 as of 23 December 2022, including 19 people aged over-60, according to Jehovah's Witnesses.

The Supreme Court's guidelines for "extremism"-related cases, updated in October 2021, 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". So far, this has had only a limited impact on sentencing.

On 7 June 2022 the European Court of Human Rights in Strasbourg (ECtHR) found (Taganrog LRO and Others v. Russia, Application No. 32401/10 and 19 others (<https://hudoc.echr.coe.int/eng?i=001-217535>)) that the liquidation of the Jehovah's Witness Administrative Centre (https://www.forum18.org/archive.php?article_id=2297) and its subsidiary organisations and the prohibition of their activities as "extremist" in 2017 was illegal in international law. The ECtHR stated it "concur[s] with the assessment by the Venice Commission, the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, and the UN Human Rights Committee that the interference with the applicants' fundamental rights was made possible because of the overly broad definition of "extremism" in Russian law." The ECtHR among other things also stated that this "could – and did – lead to arbitrary prosecutions" and also condemned "a lack of judicial safeguards".

The ECtHR ruled (<https://hudoc.echr.coe.int/eng?i=001-217535>) that Russia should end "all pending criminal proceedings against Jehovah's Witnesses, including by reference to the recently amended [October 2021] guidance by the Supreme Court of Russia .. release all Jehovah's Witnesses who have been deprived of their liberty," return all seized property, and pay nearly 3.5 million Euros in compensation. This ruling was not due to come into force until 7 September 2022.

In July 2022 the Russian government decided to withdraw from the Council of Europe and hence the jurisdiction of the ECtHR (https://www.forum18.org/archive.php?article_id=2765), backdating the application of this decision to March 2022. The ECtHR judgement will not, therefore, release or acquit any Jehovah's Witnesses, and Russia will not pay any compensation on the basis of the judgement.

Prosecutions of Jehovah's Witnesses have continued into 2023 – January has already seen the imposition of two six-year suspended sentences (on 12 January under Criminal Code Article 282.2, Part 1, in the first conviction in the Tyva Republic – and on 17 January in Nizhny Novgorod, also under Article 282.2, Part 1).

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.

Prosecutions of Muslims continue

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.

Six men are on trial in Moscow on criminal charges (https://www.forum18.org/archive.php?article_id=2769) of organising and participating in a "Nurdzhular cell". They have so far undergone nine hearings at Kuzminsky District Court, and are next due to appear on 26 January 2023.

Three men are on trial at Naberezhnyye Chelny City Court (Tatarstan Republic) on similar charges. There have so far been eleven hearings in their case, with the next listed on the court website for 14 February 2023.

In the Tatar capital Kazan, according to court records, the criminal case against another three Muslims charged with "continuing the activity" of "Nurdzhular" appears to have been registered at Privolzhsky District Court on 8 November 2022. Four hearings have so far taken place; the next is due on 31 January.

The Supreme Court's amended guidance should also be applicable in these three trials. It appears that one of its provisions has already had an effect in the November release of the only Nursi reader then still in prison – Ilgar Vagif ogly Aliyev, who received an eight-year sentence in May 2018 (https://www.forum18.org/archive.php?article_id=2386). An appeal judge at the 5th Cassational Court in Pyatigorsk agreed, firstly, that his charge under Criminal Code Article 282.2, Part 1.1 should be dropped, because such actions are already covered under Article 282.2, Part 1 (under which Aliyev was also convicted); and secondly, that his original sentence had been miscalculated.

Jewish Autonomous Region: Four Jehovah's Witnesses jailed for between 3 years 6 months, and 7 years

On 19 December 2022, after a legal process lasting more than four and half years, Judge Yana Vladimirova of Birobidzhan District Court sentenced four Jehovah's Witnesses to lengthy prison terms for "organising the activities" of their banned and liquidated local congregation and "financing extremist activity" by collecting donations. These are the first prison sentences to be imposed in the Jewish Autonomous Region.

- Valery Sergeyevich Kriger (born 11 January 1968) and Sergey Aleksandrovich Shulyarenko (born 16 November 1984), both convicted 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") and Criminal Code Article 282.3, Part 1 ("Financing extremist activity"), received aggregate sentences of 7 years' imprisonment. After their release – should their convictions enter legal force – they will each be banned from leading or participating in public organisations for 4 years.

- Alam Abdulaziz ogly Aliyev (born 14 January 1963), convicted under Criminal Code Article 282.2, Part 1, was sentenced to 6 years and 6 months' imprisonment, followed by a ban on leading and participating in public organisations for 4 years and 6 months.

All three men will also be subject to one year's restrictions on freedom after their release. During this period, according to a court press statement of 19 December 2022, "the convict has no right to attend mass events [or] participate in them, or to change his permanent place of residence or travel outside the municipality without the permission of [probation authorities], [and must] come to this agency for registration once a month".

- Their fellow defendant Dmitry Nikolayevich Zagulin (born 29 December 1973) was jailed for 3 years and 6 months under Criminal Code Article 282.3, Part 1. If a judge tries a defendant under this Article alone and imposes a jail sentence, it is not accompanied by either restrictions on freedom or a ban on particular activities after release.

Prosecutors had requested prison terms ranging from 4 to 9 years.

Aliyev, Kriger, Shulyarenko, and Zagulin were taken into custody from the courtroom. They all spent the duration of the investigation and trial under travel restrictions (apart from eight days' in detention in Aliyev's case). They will therefore have to serve the full duration of their prison terms if they fail to have their convictions overturned (minus the time spent in a detention centre before appeal).

Investigators had all four men added to the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", Aliyev in mid-to-late June 2018, Kriger on 11 February 2019, and Shulyarenko and Zagulin on 28 March 2019. They will remain on the List – and their bank accounts will remain blocked except for small transactions – until their criminal records expire (https://www.forum18.org/archive.php?article_id=2681), eight years after they have completed their sentences.

The Jewish Autonomous Region FSB opened a criminal case against Alam Aliyev on 14 May 2018, and arrested him during early-morning raids on nine Jehovah's Witness homes in Birobidzhan three days later. After eight days in detention, he was released under travel restrictions. Investigators added Kriger to the case on 8 November 2018, and Zagulin and Shulyarenko on 6 March 2019.

(Investigators gradually opened separate cases against other Birobidzhan Jehovah's Witnesses who were also initially part of the same investigation – 19 others have since been convicted, four of whom are currently undergoing retrials.)

Aliyev, Kriger, Shulyarenko, and Zagulin are the first Jehovah's Witnesses to receive jail sentences in the Jewish Autonomous Region, which has seen a large number of prosecutions, almost all considered by the same court.

Earlier prosecutions in the Jewish Autonomous Region took place under the lesser Criminal Code Article 282.2 Part 2 ("Participating 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"), and these resulted in relatively light suspended sentences (the *sudimost* – state of being a convicted person – for several of which has been lifted early) or fines (below the minimum and with deferred payments, although these were later changed to suspended sentences when prosecutors appealed).

Two of those given suspended sentences (https://www.forum18.org/archive.php?article_id=2713) earlier are the wives of two of those convicted in December 2022. On 2 April 2021, Dmitry Zagulin's wife Tatyana Zagulina received a two-and-a-half year suspended sentence with two years' probation, which entered legal force on appeal on 16 September 2021. Her *sudimost* - active criminal record - was annulled on 3 November 2022.

Natalya Kriger, wife of Valery Kriger, also received a suspended sentence of two-and-a-half years, with two years probation, on 30 July 2021. This came into force on 25 November 2021, but was overturned at the cassational level on 2 August 2022 and sent for a fresh appeal hearing. At this hearing on 22 September 2022, the appeal judge sent her case back for re-examination at the first-instance court. No re-trial hearings yet appear to have been listed.

Jewish Autonomous Region: "It all boiled down to the fact that I, along with fellow believers, read the Bible, prayed, and sang religious songs"

"What does the public prosecutor demand today?", Valery Kriger asked in his final speech to the court on 16 December 2022. "That I should stop being a Jehovah's Witness. Yes, Your Honour, exactly that. And although the prosecution states that I participated in organising [the activities] of the Local Religious Organisation of Jehovah's Witnesses in the city of Birobidzhan, in fact it all boiled down to the fact that I, along with fellow believers, read the Bible, prayed, and sang religious songs. The Supreme Court and the Constitution do not, however, ban me from my religion. But precisely these actions are the manifestation of my faith."

"Extremism is alien to me, so I want to continue to do what Jesus Christ taught", Kriger added. "Many call this the 'golden rule': 'In all things, do unto others as you would have them do unto you' (Matthew 7:12)."

In his final speech to the court on the same day, Sergey Shulyarenko emphasised both the peaceful nature of Jehovah's Witness activities and the legal argument that they should be permitted in Russia despite the Supreme Court ban.

"Your Honour, I cannot understand where my fault lies!" Shulyarenko told the judge. "I am accused of the fact that I love to read the Bible together with fellow believers and live in accordance with it, to share with others what I learned from it – this is my constitutional right, and I simply took advantage of this right.

"One may agree or disagree with what Jehovah's Witnesses believe, but that is another matter. The Russian Federation is a multi-confessional country, and many religions teach differently and may contradict each other, but this is no reason to consider them extremists. Why are Jehovah's Witnesses so treated?"

"After all, I repeat, the religion of Jehovah's Witnesses in the Russian Federation is not prohibited by law. On 28 October 2021, the

Plenum of the Supreme Court ruled that worship services of Jehovah's Witnesses, their collective conducting of rituals and ceremonies, in themselves do not constitute a crime under Article 282.2 of the Criminal Code, despite the liquidation of their legal entities."

Jewish Autonomous Region: "Information on the activities of courts is not given if the request is about the interpretation of a legal norm"

Forum 18 wrote to the Prosecutor's Office of the Jewish Autonomous Region and Birobidzhan District Court before the start of the Birobidzhan working day of 16 January 2023, asking why such long prison terms had been sought and imposed to punish the exercise of freedom of religion or belief, why – in light of the Supreme Court's amended guidance – the men had been convicted, and in what way they could be considered dangerous.

Forum 18 had received no reply from the Prosecutor's Office by the end of the working day of 24 January.

In her response of 17 January, Irina Belousova, acting chair of Birobidzhan District Court, stated that, in accordance with the Law 'On the status of judges in the Russian Federation', "judges are not obliged to give any explanation of the merits of cases, considered or pending".

Belousova also referred to the Law 'On the provision of access to information about the activity of courts in the Russian Federation', and noted that "information on the activities of courts is not given if the request is about the interpretation of a legal norm [or] explanation of its application, legal assessment of judicial acts, development of a legal position upon request, the conducting of analysis of judicial practice or the fulfilment of a request for other analytical work not directly related to the protection of the rights of person making the request".

A court press statement released on 19 December 2022 noted that the defendants had "organised an illegal religious meeting in order to spread the doctrine of the Jehovah's Witnesses religious organisation in the city of Birobidzhan, knowing that it was prohibited" and had "ensured the receipt of funds in cash in the form of donations, the total amounting to 401,309 Roubles and 50 kopeks".

"At sentencing", the statement concluded, "the nature and degree of social danger of the crimes committed, the presence of mitigating and aggravating circumstances, personality characteristics, and the impact of the imposed punishment on the living conditions of the defendants' families were taken into account."

Amur Region: Five Jehovah's Witnesses each jailed for over 6 years

On 21 December 2022, five Jehovah's Witnesses received prison sentences of over 6 years each at Blagoveshchensk City Court. After a two-year investigation and a trial lasting 14 months, Judge Darya Varkalevich found all of them guilty of "organising the activities" of their local Jehovah's Witness community, and one of them also of "financing extremist activity" by collecting donations.

The five men had spent the duration of the investigation and trial under travel restrictions and had not been placed in detention or under house arrest. If their appeals are unsuccessful, they will therefore have to serve almost their entire prison terms.

Their sentences are as follows:

- Sergey Pantaleymonovich Afanasyev (born 30 April 1964), 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") – 6 years and 6 months' imprisonment; 1 year's restrictions on freedom; 4 years and 6 months' ban on leadership of and participation in public organisations;
- Sergey Alekseyevich Kardakov (born 17 September 1984), Article 282.2, Part 1 – 6 years and 4 months' imprisonment;
- Adam Mikhailovich Svarichevsky (born 20 September 1963), Article 282.2, Part 1 – 6 years and 3 months' imprisonment;
- Sergey Nikolayevich Yermilov (born 20 July 1967), Article 282.2, Part 1 – 6 years and 3 months' imprisonment;
- Anton Yuryevich Olshevsky (born 31 December 1987), Article 282.2, Part 1 – 6 years and 3 months' imprisonment.

Investigators added Yermilov and Olshevsky to the Rosfinmonitoring "List of Terrorists and Extremists" on 6 November 2019, and Afanasyev, Kardakov, and Svarichevsky on 10 March 2021. They will remain on the List – and their bank accounts will remain blocked except for small transactions – until their criminal records expire, eight years after they have completed their sentences.

A court press statement of 21 December noted that during their year of restrictions on freedom, the five men will be barred from

attending public events and may not leave Blagoveshchensk or change their places of residence without permission from the probation authorities.

The Amur Region FSB's case against Yermilov and Olshevsky (opened on 21 October 2019) grew out of its investigation of fellow Blagoveshchensk Jehovah's Witnesses Aleksey Berchuk and Dmitry Golik (Berchuk was the first Jehovah's Witness to receive an eight-year prison term (https://www.forum18.org/archive.php?article_id=2697), on 30 June 2021; Golik was sentenced to seven years' imprisonment. Investigators added Svarichevsky, Afanasyev, and Kardakov to the case in September 2020.

All five men were initially charged under Criminal Code Article 282.2, Part 2 ("Participating 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"). This was changed to Article 282.2, Part 1 ("Organising") in March 2021, when Afanasyev was also charged under Article 282.3, Part 1 ("Financing extremist activity").

The Amur Region has also seen a high number of prosecutions – 23 in total, of which 14 have so far ended in conviction, while eight people are awaiting trial and one has completed his sentence.

Sergey Yermilov's wife Valentina Yermilova and Anton Olshevsky's wife Yekaterina Olshevskaya are also subjects of a criminal case under Criminal Code Article 282.2, Part 2 ("Participating 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"), alongside Kristina Golik (wife of Dmitry Golik) and Mariya Portnyagina.

Amur Region: "Either a gross error of the investigation, or a deliberate distortion of the facts"

In his final speech to the court on 24 November 2022, Sergey Afanasyev insisted that he had committed no crime. "I engaged in the usual activities for Christians, the right to which is guaranteed by Article 28 of the Constitution of the Russian Federation .. I acted and act within the framework of the law."

Afanasyev continued: "Whose life have I ruined? Whom have I harmed? I did not see a single victim or injured party. For one reason: there is none. I did not commit a crime against God, or against people, or against the state. On the other hand, I am well aware that I am being judged for my faith. If I weren't a Jehovah's Witness, I wouldn't be in the dock now."

"I believe that accusing me of involvement in extremist activities is either a gross error of the investigation, or a deliberate distortion of the facts in order to discredit the Jehovah's Witness religion", Sergey Yermilov told the court in his final speech, also on 24 November 2022.

"I had no thought of committing a crime against the foundations of the constitutional order and the security of the state," Yermilov added. "On the contrary, I have striven and will continue to strive to fulfil the commandment written in the Word of God, in the Apostle Paul's letter to the Romans, chapter 12, verse 17: 'Do not repay anyone evil for evil. Consider what is good before all people'."

Amur Region: "Any missionary activity .. will be illegal in nature and subject to liability"

Forum 18 wrote to the Amur Region Prosecutor's Office and Blagoveshchensk City Court asking why jail terms had been sought and imposed, why – in light of the Supreme Court's amended guidance – the men had been convicted, and in what way they could be considered dangerous.

In his response of 24 January, Roman Korolyov, head of the criminal justice department at the Prosecutor's Office, acknowledged Russians' constitutional rights to freedom of conscience and freedom of association, but noted that "the implementation of the rights and freedoms of person and citizen should not violate the rights and freedoms of other persons". He added that the Russian Constitution and international law permits the restriction of rights and freedoms in certain socially significant circumstances.

Referring to the 2017 ban on Jehovah's Witness organisations (https://www.forum18.org/archive.php?article_id=2297), Korolyov states that "The liquidation of a centralised religious organisation excludes the possibility of maintaining the existing status of local religious organisations included in its structure .. Any missionary activity of members of a religious organisation liquidated by a court in connection with repeated violations of the law on countering extremist activity will be illegal in nature and subject to liability established by law."

Blagoveshchensk City Court press-secretary Aleksandr Voronin replied on 17 January, acknowledging that the court had considered the case, but refusing to answer Forum 18's questions: "I do not have the right under the law of the Russian Federation to comment on the decision of the court."

The court press statement of 21 December 2022 described the defendants as "men holding the positions of elders in the local religious organisation 'Jehovah's Witnesses' in Blagoveshchensk, which is part of the religious organisation 'Administrative Centre

of Jehovah's Witnesses' in Russia", and noted that they "prepared and conducted religious gatherings (meetings) in the Amur Region, including for the preparation of participants for preaching activity, its development, and the provision of informational, consulting, methodological and other assistance for the implementation of religious activities".

Consequences of "extremism" investigations and convictions

There are eight interlocking consequences related to "extremism" investigations and convictions for exercising freedom of religion or belief:

- 1) during investigation and even if no trial takes place, inclusion on the Rosfinmonitoring "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2687). This blocks bank accounts, and causes for problems in finding formal employment, obtaining insurance, buying and selling property, and a range of other financial activities. Most of those listed below have been placed on the Rosfinmonitoring List;
- 2) if convicted, the prison sentence itself, or possible fines. Fines must be paid within 30 days of the fine entering legal force – this happens either 10 days after the judge issues the sentence, or upon an unsuccessful appeal;
- 3) for suspended sentences, the probationary period (https://www.forum18.org/archive.php?article_id=2681), which is the time during which any other conviction would send the defendant to prison;
- 4) for those not given prison or suspended sentences, or fines, a possible period of assigned work (https://www.forum18.org/archive.php?article_id=2681). This may take the form of a paid job in any organisation, as determined by the correctional centre administering the sentence. The assigned work depends on availability and the convicted person has no right to refuse. Officials check on convicted persons' locations at least once a day;
- 5) a possible period of restrictions on freedom (https://www.forum18.org/archive.php?article_id=2681). This normally includes a curfew between particular hours, a ban on visiting certain places, a ban on leaving one's home town, a ban on attendance at or participation in particular events, a ban on changing one's place of residence, work, or study without the probation authorities' permission, and an obligation to register with probation authorities one to four times per month;
- 6) sudimost, or the state of having an active criminal record (https://www.forum18.org/archive.php?article_id=2681). Individuals may face a harsher sentence if prosecuted and convicted again during this period. Individuals are also barred from holding certain jobs in sectors such as education, finance, the police and similar agencies, and the civil service, and from standing for election. Although there is no legal bar on employment in other sectors, many people find it hard to secure formal work after criminal convictions. Sudimost expires at the end of the probationary period (https://www.forum18.org/archive.php?article_id=2681) for those who have received suspended sentences. For those who have received fines, sudimost expires one year after the fine is paid. The length of sudimost for those given prison terms depends on the category of crime of which they have been convicted – for serious offences such as those under Criminal Code Article 282.2, sudimost lasts for eight years;
- 7) for those given prison sentences, administrative supervision (https://www.forum18.org/archive.php?article_id=2681) for the entirety of their period of sudimost. Administrative supervision consists of a set of restrictions on movements and activities, and a requirement to register regularly with the police;
- 8) and for those convicted under Criminal Code Article 282.2, Parts 1 or 2 (https://www.forum18.org/archive.php?article_id=2215) either compulsory or discretionary bans on holding particular positions or undertaking particular activities (https://www.forum18.org/archive.php?article_id=2681).

Ten other known jail sentences, 1 suspended and 1 assigned work sentence, in the last quarter of 2022

There are 10 known other Jehovah's Witnesses who have been given jail sentences between October and December 2022 after "extremism"-related convictions for exercising freedom of religion or belief. In addition, in Stavropol Region one woman was given a suspended jail sentence and one man was given an assigned work sentence.

Convictions have been under these Criminal Code articles (https://www.forum18.org/archive.php?article_id=2215):

- Article 282.2 for "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 majority of convictions have been under this Article;
- Article 282.2, Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation");
- and Article 282.3, Part 1 ("Financing extremist activity").

When known, the categories and lengths of punishment the individual has been given are recorded in the list below. Dates of release and the ending of restrictions, bans on activities, and sudimost only known after sentence enters legal force (in the vast majority of cases, upon an unsuccessful appeal).

This list is broken down by stage of where punishment has reached, with regional headings referring to where people were tried.

- Altay Region

7 November 2022, Rubtsovsk City Court:

1) Andrey Emikovich Daniyelyan (born 13 March 1969), Article 282.2, Part 1 – 6 years' imprisonment;

Appeal: 26 January 2023, Altay Regional Court

Added to Rosfinmonitoring List on 16 June 2021.

- Amur Region

28 December 2022, Zeya District Court:

2) Yevgeny Vladimirovich Bitusov (born 1979), Article 282.2, Part 1 – 6 years' imprisonment;

3) Leonid Ivanovich Druzhinin (born 1969), Article 282.2, Part 1 – 6 years and 6 months' imprisonment;

Appeals: lodged on 19 January 2023 – no hearings yet listed at Amur Regional Court

Neither added to Rosfinmonitoring List.

25 October 2022, Tynda District Court:

4) Vladimir Valeryevich Bukin (born 19 June 1972), Article 282.2, Part 1 and Part 1.1 – 6 years and 6 months' imprisonment; added to Rosfinmonitoring List on 10 March 2021;

5) Valery Vladimirovich Slashchyov (born 9 June 1981), Article 282.2, Part 1 and Part 1.1 – 6 years and 6 months' imprisonment; added to Rosfinmonitoring List on 10 March 2021;

6) Sergey Vitalyevich Yuferov (born 14 July 1975), Article 282.2, Part 1 and Part 1.1 – 6 years and 6 months' imprisonment; added to Rosfinmonitoring List on 10 March 2021;

7) Mikhail Ivanovich Burkov (born 6 September 1983), Article 282.2, Part 1 – 6 years and 2 months' imprisonment; added to Rosfinmonitoring List on 12 April 2021.

Appeal: partially successful – 27 December 2022, Amur Regional Court; verdict overturned and case sent back for re-examination.

- Krasnoyarsk Region

28 December 2022, October District Court, Krasnoyarsk:

8) Aleksandr Nikolayevich Filatov (born 9 December 1984), Article 282.2, Part 1 – 6 years' imprisonment; added to Rosfinmonitoring List on 10 August 2021.

Appeal: unknown

- Novosibirsk

15 November 2022, October District Court, Novosibirsk:

9) Aleksandr Ivanovich Seryodkin (born 1 December 1954), Article 282.2, Part 1 – 6 years' imprisonment; added to Rosfinmonitoring List on 8 May 2019.

Appeal: unknown

- Stavropol Region

14 November 2022, Georgiyevsk City Court:

10) Viktor Vladimirovich Zimovsky (born 1969), Article 282.2, Part 1 and Article 282.3, Part 1 – 6 years and 2 months' imprisonment; 1 year's restrictions on freedom; 3-year ban on posting materials "on public information and telecommunications networks, including the internet";

11) Anatoly Petrovich Gezik (born 1967), Article 282.2, Part 1.1 and Part 2 – 4 years and 2 months' assigned work with 10 per cent deduction from wages; 1 year's restrictions on freedom; 2-year ban on posting materials "on public information and telecommunications networks, including the internet";

12) Irina Nikolayevna Gezik (born 1972), Article 282.2, Part 1.1 and Part 2 – 4 years and 2 months' suspended sentence; 3 years' probation; 1 year's restrictions on freedom; 2-year ban on posting materials "on public information and telecommunications networks, including the internet"

None added to Rosfinmonitoring List.

Appeals: lodged on 23 November 2022 – no hearings yet listed at Stavropol Regional Court; by prosecution, lodged on 18 November 2022

(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)

Follow us on Twitter @Forum_18 (https://twitter.com/forum_18)

Follow us on Facebook @Forum18NewsService (<https://www.facebook.com/Forum18NewsService>)

Follow us on Telegram @Forum18NewsService (<https://t.me/s/forum18newsservice>)

All Forum 18 material may be referred to, quoted from, or republished in full, if Forum 18 is credited as the source.

All photographs that are not Forum 18's copyright are attributed to the copyright owner. If you reuse any photographs from Forum 18's website, you must seek permission for any reuse from the copyright owner or abide by the copyright terms the copyright owner has chosen.

© Forum 18 News Service. All rights reserved. ISSN 1504-2855.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY