

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	384
Land:	Ukraine
Kilde:	Forum 18
Titel:	“Unjustifiable to jail someone for reading the Bible”.
Udgivet:	5. marts 2020
Optaget på baggrundsmaterialet:	20. april 2020

Document #2026086

Forum 18

"Unjustifiable to jail someone for reading the Bible"

Jehovah's Witness Sergei Filatov was today sentenced to six years jail with an additional five years additional restrictions, and his co-believer Artyom Gerasimov was in a separate trial fined about two year's average salary. "I'm outraged, because it is unjustifiable to jail someone for reading the Bible," Filatov told Forum 18 before the sentence.

Two men from Yalta and Dzhankoi have become the first Jehovah's Witnesses in Russian-occupied Crimea to be convicted under Russia's Extremism Law for exercising their freedom of religion and belief. Today (5 March), the District Court in the northern Crimean town of Dzhankoi sentenced 47-year-old Sergei Filatov to six years in a labour camp ("general-regime prison colony"). The City Court in the southern Crimean town of Yalta fined 35-year-old Artyom Gerasimov 400,000 Roubles, or about two year's average salary for those in work.

Prisoner of conscience Filatov was taken into custody straight from the courtroom. He intends to appeal, Jehovah's Witnesses told Forum 18 on 5 March. Prisoner of conscience Filatov told Forum 18 that he was expecting the jail sentence. "I'm outraged, because it is unjustifiable to jail someone for reading the Bible," he told Forum 18 three days before the sentence (see below).

Filatov's six-year jail term will be followed by a five-year ban on engaging in educational activity, "activities relating to speeches and publications in mass media", and posting information on the internet, and one year of unspecified restrictions on freedom, according to the Dzhankoi District Court website. Such restrictions typically include being unable to leave one's home town, move house, or change one's job without informing probation authorities.

In his final court statement, prisoner of conscience Filatov said: "The prosecution claims that .. I conducted a service in my house, namely, I sang songs of praise to God, said a prayer, [and] read and discussed the Book of the Prophet Daniel, as well as scriptural publications and videos. And this is my 'extremism'! And this despite the fact that not one of the songs, not one of the videos, and even less so the Book of the Prophet Daniel, is banned in Russia!"

"This [legal] process .. makes it completely impossible to understand how, from the point of view of the prosecutor's office, I should behave as a law-abiding citizen professing the Jehovah's Witness religion, in order .. to satisfy my spiritual needs and

realise my inalienable fundamental rights to freedom of conscience and religion".

Gerasimov was fined 400,000 Roubles, the minimum fine under Criminal Code Article 282.2 Part 1 equivalent to two years average wages "merely for meeting with others to discuss the Bible". No other punishment appears to have been imposed, and he intends to challenge his conviction, Jehovah's Witnesses say (see below).

In his final statement to the Court, Gerasimov stated that one investigator "repeatedly stated that in Russia there is not a single prohibited religion, but at the same time he considers my conversation about the Bible in the park to be illegal". "Therefore", Gerasimov continued, "the investigation allows only the first part of Article 28 [of the Russian Constitution] to be used, which states that I have the right to choose and have a faith, but prohibits the use of the second part .. to profess and act in accordance with my convictions" (see below).

Filatov and Gerasimov had been charged under Russian 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"). In January 2019, Crimean Muslim prisoner of conscience Renat Suleimanov was jailed for four years, also under Article 282.2 Part 1, for meeting openly in mosques with three friends to discuss their faith (see below).

Russia's March 2014 annexation of Crimea is not recognised by Ukraine or internationally.

Criminal convictions and jailings or fines of Jehovah's Witnesses in Russia are widespread (http://www.forum18.org/archive.php?article_id=2536).

Prisoner of conscience Filatov was jailed at the 22nd hearing in his trial. Only three or four of these hearings were open to the public (http://www.forum18.org/archive.php?article_id=2544). "About 100 of my friends came to support me at each hearing, standing outside the court," he told Forum 18 from Dzhankoi on 2 March, three days before his 5 March conviction (see below).

Prosecutor Aleksandr Onishchuk demanded that Filatov be given a strict regime jail term of seven years. On 4 March Onishchuk refused to discuss with Forum 18 why he thinks Filatov deserved conviction and such a long sentence (see below).

Two other Jehovah's Witnesses in Russian-occupied Crimea face "extremism"-related criminal charges. Russian state officials again raided the home of one of them, Taras Kuzio, on 13 February. An FSB security service official present during the raid put the phone down as soon as Forum 18 asked why it had been launched (see below).

"It is sad that the massive repression of faith, which has been unleashed by security services in dozens of regions of Russia, has reached Crimea," Jehovah's Witness spokesperson Yaroslav Sivulskiy stated on 5 March. "Sergei Filatov was convicted of a

grave criminal offence, as a dangerous enemy of the state, for a simple family worship service. The case is obviously trumped up. The investigation did not try to conceal its falsifications in the case, and the court clearly sympathised with the prosecution".

First Crimean Jehovah's Witnesses to be convicted

Gerasimov and Filatov are the first Jehovah's Witnesses convicted in Russian-occupied Crimea on "extremism"-related criminal charges to punish them for exercising freedom of religion or belief.

Both Gerasimov and Filatov were jailed under Russian Criminal Code Article 282.2, Part 1. In both cases the Russian FSB security service initiated the criminal cases. Neither was held in pre-trial detention, but both were under travel restrictions, having to sign pledges not to leave the area as the cases were being investigated and once the trials began.

Russian Criminal Code Article 282.2, Part 1 punishes "Organisation of" and 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". (http://www.forum18.org/archive.php?article_id=2215) The maximum punishment under Part 1 of this Article is 10 years' imprisonment.

Dzhankoi Jehovah's Witness Sergei Filatov jailed

On 5 March, Judge Mariya Yermakova at Dzhankoi District Court found Crimean Jehovah's Witness Sergei Viktorovich Filatov (born 6 June 1972) guilty of "continuing the activities of a banned extremist organisation".

Prisoner of conscience Filatov was jailed at the 22nd hearing in his trial. Only three or four of these hearings were open to the public (http://www.forum18.org/archive.php?article_id=2544). "About 100 of my friends came to support me at each hearing, standing outside the court," he told Forum 18 from Dzhankoi on 2 March, three days before his 5 March conviction.

Filatov was taken into custody directly from the courtroom, and will remain in detention while his appeal is pending.

Prisoner of conscience Filatov's six-year labour camp term will be followed by a five-year ban on engaging in educational activity, "activities relating to speeches and publications in mass media", and posting information on the internet, and one year of unspecified restrictions on freedom, according to the Dzhankoi District Court website. Such restrictions typically include being unable to leave one's home town, move house, or change one's job without informing probation authorities.

Prosecutor Aleksandr Onishchuk had demanded that Filatov be given a strict regime jail

term of seven years. On 4 March, the day before the verdict was handed down, Onishchuk refused to discuss why he thinks Filatov deserved a conviction and long sentence. "It will be necessary for you to study the verdict once it is handed down," he told Forum 18 from Dzhankoi. As of 5 March, no written verdict is yet publicly available.

Asked whether he had been told what sentence to demand, Prosecutor Onishchuk responded: "Under the law prosecutors take their decisions independently." He refused to discuss Filatov's case further without permission from the District Prosecutor and put the phone down.

Filatov told Forum 18 on 2 March that he was expecting to be jailed. "Given the situation, I fear it will be a real jail term," he told Forum 18. "I'm outraged, because it is unjustifiable to jail someone for seven years for reading the Bible. What am I guilty of?"

"I know for sure that I did not commit any crime, either against God, or before Caesar – that is, before the state", Filatov said in his final statement to the court on 28 February. "I am judged because I am a Christian and consider my faith to be true".

"The prosecution claims that .. I conducted a service in my house, namely, I sang songs of praise to God, said a prayer, [and] read and discussed the Book of the Prophet Daniel, as well as scriptural publications and videos. And this is my 'extremism'! And this despite the fact that not one of the songs, not one of the videos, and even less so the Book of the Prophet Daniel, is banned in Russia!"

"This [legal] process .. makes it completely impossible to understand how, from the point of view of the prosecutor's office, I should behave as a law-abiding citizen professing the Jehovah's Witness religion, in order .. to satisfy my spiritual needs and realise my inalienable fundamental rights to freedom of conscience and religion". Closed hearings on 25 and 28 February heard the final speeches in the case (http://www.forum18.org/archive.php?article_id=2544).

The Crimean Prosecutor's Office has not replied to Forum 18's 3 March questions asking why prosecutors had requested a jail sentence, who had been harmed by Filatov's actions, and why meetings for prayer and Bible reading were considered a criminal offence. Forum 18 also pointed out that the Russian Supreme Court had outlawed Jehovah's Witness organisations, but not their beliefs.

"List of Terrorists and Extremists"

Filatov and Gerasimov are – like Crimean Jehovah's Witness facing criminal prosecution Viktor Stashevsky (see below) and Muslim prisoner of conscience Renat Suleimanov – on the Russian Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose accounts banks are obliged to freeze, apart from small transactions (http://www.forum18.org/archive.php?article_id=2215).

Filatov told Forum 18 that as he does not have a bank account the authorities could not

freeze it.

Dzhankoi raids, prosecution

In November 2018, about 10 groups of Russian FSB officers, OMON riot police, and possibly officers of other agencies who had come from Simferopol raided the homes in Dzhankoi of eight families (including that of Filatov) who were members of the two local Jehovah's Witness communities before they were banned in 2017. Officers used violence against some of them, while a pregnant woman suffered a miscarriage following the raids. (http://www.forum18.org/archive.php?article_id=2432)

The Russian FSB security service accused Filatov of "continuing the activity" of the local Jehovah's Witness community, which had been liquidated as "extremist". Filatov rejects the accusation against him. He told the Investigator that believers met together not as an organisation but as private individuals under the guarantees enshrined in the Russian Constitution. The criminal case reached court in September 2019.

Yalta Jehovah's Witness Artyom Gerasimov fined

On 5 March, Judge Vladimir Romanenko of Yalta City Court convicted another Crimean Jehovah's Witness, Artyom Vyacheslavovich Gerasimov (born 13 January 1985), (http://www.forum18.org/archive.php?article_id=2051) on "extremism"-related criminal charges, "merely for meeting with others to discuss the Bible", Jehovah's Witness spokesperson Jarrod Lopes told Forum 18 on 5 March.

The prosecutor had asked for a jail term of six and a half years, plus one year of restrictions on freedom and a three-year ban on unspecified activities. Judge Romanenko fined Gerasimov 400,000 Roubles, the minimum fine under Criminal Code Article 282.2 Part 1 equivalent to two years average wages. No other punishment appears to have been imposed. Gerasimov intends to challenge his conviction, Jehovah's Witnesses say.

In court, Gerasimov insisted on his innocence, arguing that he had not been involved in any activities of the local Jehovah's Witness organisation after its liquidation in 2017.

He noted in his final statement to the court on 3 March that one investigator "repeatedly stated that in Russia there is not a single prohibited religion, but at the same time he considers my conversation about the Bible in the park to be illegal". "Therefore", Gerasimov continued, "the investigation allows only the first part of Article 28 [of the Russian Constitution] to be used, which states that I have the right to choose and have a faith, but prohibits the use of the second part .. to profess and act in accordance with my convictions."

"It's the same as giving a car to a person who does not have a driver's license. There is a car, but no right to use it", Gearsimov commented. "The religion of Jehovah's Witnesses is not prohibited, but there is no right to profess it!"

"I have no feelings of guilt", he concluded. "My conscience is clear both before God and before the state".

The Crimean Prosecutor's Office has not replied to Forum 18's 4 March questions asking why prosecutors had requested a jail sentence, who had been harmed by Gerasimov's actions, and why meetings for prayer and Bible reading were considered a criminal offence. Forum 18 also pointed out that the Russian Supreme Court had outlawed Jehovah's Witness organisations, but not their beliefs.

Yalta raids, prosecutions

In March 2019, Russian FSB investigators launched a criminal case against Gerasimov and Taras Grigoryevich Kuzio (see below) from the southern Crimean town of Yalta. Five days later, officers raided eight Jehovah's Witness family homes (including that of Gerasimov) in and around Yalta. Officers seized religious literature, money and other documents, and took several people for interrogation. Both Gerasimov and Kuzio had to sign a pledge not to leave the area (http://www.forum18.org/archive.php?article_id=2466). The criminal case reached court in September 2019 (http://www.forum18.org/archive.php?article_id=2518).

February raid on Jehovah's Witness, one of two more facing prosecution

After a 13 February raid on the Yalta home of Jehovah's Witness Taras Grigoryevich Kuzio, and a 4 June 2019 raid on the Sevastapol home of Viktor Vladimirovich Stashevsky, both now face criminal prosecutions as Jehovah's Witnesses. An FSB security service official present during the February 2020 raid put the phone down as soon as Forum 18 asked why the raid had been launched (http://www.forum18.org/archive.php?article_id=2550).

Russia's "extremist" organisation bans applied in Crimea

Russia's Supreme Court banned Jehovah's Witnesses as "extremist" in 2017 (http://www.forum18.org/archive.php?article_id=2297). Prosecutors in Russia were in January 2020 investigating more than 300 Russian Jehovah's Witnesses individuals on "extremism"-related criminal charges, of which 24 were in pre-trial detention (http://www.forum18.org/archive.php?article_id=2536).

Following Russia's March 2014 occupation of Crimea, the Russian authorities granted re-registration to all 22 Jehovah's Witness communities in Crimea, but in 2017 they were banned following the Russian Supreme Court ban (http://www.forum18.org/archive.php?article_id=2299).

Russia's Supreme Court banned the Muslim missionary movement Tabligh Jamaat as

"extremist" in 2009 (http://www.forum18.org/archive.php?article_id=1724). The Russian ban was imposed in Crimea after Russia unilaterally occupied and annexed the peninsula from Ukraine in March 2014.

In January 2019, a Simferopol court jailed Crimean Muslim prisoner of conscience Renat Suleimanov Suleimanov for four years on "extremism"-related charges for meeting openly in mosques with three friends to discuss their faith. The charges related to membership of the banned in Russia Muslim missionary movement Tabligh Jamaat (http://www.forum18.org/archive.php?article_id=2444).

In May 2019, the Russian authorities transferred Suleimanov from occupied Crimea to a labour camp in Russia. He arrived in Kamenka Labour Camp in Russia's Kabardino-Balkariya Region in June 2019 and was in July put into a punishment cell for an alleged conflict with another prisoner while being transferred from Crimea to the camp (http://www.forum18.org/archive.php?article_id=2518).

In early January 2020, Suleimanov was freed from the camp punishment cell after six months and placed him in the strict section of the camp. Suleimanov's lawyer insists the accusation of conflict with another prisoner was fabricated as an excuse to punish his client again (http://www.forum18.org/archive.php?article_id=2550). (END)

ecoi.net summary:

Crimea: 2 Jehovah's Witnesses convicted under Russian Extremism Law; one man sentenced to 6 years imprisonment and the other to the payment of a fine equivalent of 2 years average wages



Countries:

Russian Federation, Ukraine

Source:

Forum 18 (</en/source/11146.html>)

Original link:

http://www.forum18.org/archive.php?article_id=2552
(http://www.forum18.org/archive.php?article_id=2552)

Document type:

Appeal or News Release

Language:

English

Published:

5 March 2020

Document ID:

2026086

Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

