

6 September 2013

RUSSIA: Six-month "extremism" sentence for St Petersburg Nursi reader

By Geraldine Fagan, Forum 18 (<https://www.forum18.org>)

After nearly six months in prison and a psychiatric examination, Shirazi Bekirov was sentenced in St Petersburg to six months in an open-regime prison. He is the thirteenth Muslim in Russia known to have received a criminal sentence for reading the works of Islamic theologian Said Nursi, many of which have been controversially banned in Russia as "extremist". A court official was unable to say exactly how Bekirov's activity was "extremist". However, she told Forum 18 News Service that Bekirov was freed on 2 September as he had already spent nearly the whole sentence in detention since his March arrest. A similar Nursi-related criminal case against three women in Chelyabinsk Region was halted after no conviction was reached within the required two-year period. Travel bans on them have now been lifted. However, Bekirov, the three women and other Nursi readers who have faced prosecution – whether or not they were convicted of any "crime" – appear on a Russian government "list of terrorists and extremists (current)".

A St Petersburg court has sentenced Shirazi Bekirov, a reader of Islamic theologian Said Nursi, to six months in an open-regime prison, Forum 18 News Service has learnt. The 40-year-old Bekirov is the thirteenth Muslim in Russia known to have received a criminal sentence for reading Nursi's works.

The longest period any of those convicted is known to have spent in prison is nearly eight months (see F18News 6 June 2012 http://www.forum18.org/archive.php?article_id=1709).

A spokesperson for St Petersburg's Court No. 129, where Magistrate Natalya Romantsova issued the 28 August ruling, confirmed Bekirov's sentence to Forum 18 on 5 September. She was unable to say exactly how Bekirov's activity was "extremist", however, referring Forum 18 instead to the Criminal Code: "Read Article 282.2, Part 1. It's all described there."

Criminal Code 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" with up to three years in prison. Officials now routinely equate readership of Nursi's works with membership of the banned "extremist" organisation "Nurdzhular", which Nursi readers deny exists.

In Bekirov's case too, St Petersburg Public Prosecutor's Office maintained in a 28 August press release that his crime consisted of organising weekly gatherings devoted to the study of Nursi's works, supposedly the "ideological source" of "Nurdzhular".

Yet Forum 18 has found no connection between the few concrete (and unconvincing) reasons offered by Russian courts for banning Nursi literature as "extremist" – such as the theologian's reference to non-Muslims as "empty-talkers" – and the broader state allegations regarding "Nurdzhular" (see F18News 5 March 2013 http://www.forum18.org/Archive.php?article_id=1811).

Bekirov was arrested in St Petersburg on 3 March following a raid on his home by the FSB security service (see F18News 24 June 2013 http://www.forum18.org/archive.php?article_id=1850).

Time already served

In effect, Bekirov has already served his sentence, however. The St Petersburg court spokesperson confirmed to Forum 18 that the 28 August ruling took into account his almost six months' detention since 3 March, meaning he was released on 2 September.

Bekirov looked "physically and morally in good shape" when he appeared in court in St Petersburg on 22 August, Sergei Mikhailov – a Moscow-based lawyer following this and similar cases – told Forum 18 on 31 August. This was after Bekirov consented to two weeks under observation at a psychiatric hospital earlier the same month, Mikhailov added: "He received a positive assessment."

Appeal fails

In its 15 August ruling seen by Forum 18, meanwhile, Novosibirsk's October District Court rejected appeals by Nursi readers Ilhom

Merazhov and Komil Odilov against their one-year suspended prison sentences for organising "Nurdzhular" activity (see F18News 18 June 2013 http://www.forum18.org/archive.php?article_id=1848).

The pair will now submit a cassational appeal, and take their case to the European Court of Human Rights in Strasbourg if that fails, Mikhailov told Forum 18.

One of the state's allegations against Merazhov and Odilov was that they had sought "Islamisation of the region", Forum 18 notes (see F18News 27 February 2013 http://www.forum18.org/archive.php?article_id=1807).

Ironically, a slogan concurring with that view - "Stop Islamisation – stop terrorism!" - was ruled "extremist" by Moscow's Babushkin District Court on 4 June. It is now at No. 2032 on the Federal List of Extremist Materials, and is thus banned from distribution across Russia.

Case closed

In Chelyabinsk Region, the only "extremism" trial of Nursi readers previously known to be ongoing has been terminated because Chelyabinsk's Lenin District Court failed to secure a conviction within the required two-year period, Mikhailov, the lawyer, also told Forum 18. The Court's website confirms that the case was closed on 9 August.

This means that travel bans on the three accused - Farida Ulmaskulova, Gulnaz Valeyeva and Venera Yuldasheva – have been lifted, said Mikhailov. Ulmaskulova complained to Forum 18 in June that the bans were proving burdensome (see F18News 20 June 2013 http://www.forum18.org/archive.php?article_id=1849).

The case against the three women – alleging participation in "Nurdzhular" (Criminal Code Article 282.2, Part 2) and "incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of human dignity" (Criminal Code Article 282, Part 1) - was opened following police raids on their homes in August 2011 (see F18News 31 August 2011 http://www.forum18.org/Archive.php?article_id=1606).

Travel ban remains

In the western exclave of Kaliningrad, meanwhile, a travel ban remains in force against Nursi reader Amir Abuyev, lawyer Mikhailov – who visited Abuyev in late August – also reports. Unable to leave Kaliningrad Region, Abuyev has not seen his elderly sick mother in Dagestan for two and a half years, Mikhailov told Forum 18. His case has now been returned to investigators for further examination for a fourth time.

Extensive use of official resources with little apparent enthusiasm to secure convictions – as with long-running criminal investigations and/or "expert" analyses – is now "ubiquitous", Mikhailov – himself a former state investigator - suggested to Forum 18: "It's a sickness in Russia." Abuyev's case was opened 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") in February 2012 (see F18News 16 May 2012 http://www.forum18.org/Archive.php?article_id=1701).

No change

According to Mikhailov, there are no developments in the situation in Naberezhnyye Chelny (Tatarstan Republic), where two Nursi readers remain under house arrest and a third is under a travel ban. As in the other cases, the three stand accused of organising "Nurdzhular" activity 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") (see F18News 20 June 2013 http://www.forum18.org/archive.php?article_id=1849).

Nor does there appear to be any development in Perm Region, where seven unidentified Nursi readers remain in detention since at least late May 2013 while an investigation continues under Criminal Code Article 282.2. A spokesperson for Volga Federal District's Interior Ministry – which opened the case – confirmed to Forum 18 on 5 September that the seven are still in detention, but refused to provide further details.

Nursi readers contacted by Forum 18 in various parts of Russia are unfamiliar with this case (see F18News 24 June 2013 http://www.forum18.org/archive.php?article_id=1850).

"Terrorists and extremists list"

Many of the Nursi readers – even those who have not been convicted of any "crime" – appear among the 2,611 names on the Federal Financial Monitoring Service's "list of terrorists and extremists (current)" as published on its website. Bekirov, Abuev, Ulmaskulova,

Valeyeva, Yuldasheva, Merazhov and Odilov (both since at least February 2012) are all listed.

Forum 18 notes that the list appears to violate the presumption of innocence by including those not convicted of terrorism or extremism. It also fails to distinguish clearly between those suspected or convicted of terrorism and of extremism.

Jehovah's Witness case closed

The long-running "extremism" trial against Jehovah's Witness Yelena Grigoryeva in Astrakhan Region ended on 1 August, when Akhtubinsk City Public Prosecutor's Office informed her it was closing the case for lack of evidence, Jehovah's Witnesses announced on 8 August.

Court proceedings against Grigoryeva 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 sex, race, nationality, language, origin, attitude to religion, or social group") began in February 2012, a year after officials confiscated "extremist" Jehovah's Witness material from her home.

With the closure of that case, the only ongoing Jehovah's Witness "extremism" trial is that against 16 Jehovah's Witnesses in the Black Sea coastal town of Taganrog (see F18News 2 January 2013 http://www.forum18.org/Archive.php?article_id=1786).

Literature banned

A 2009 edition of the Jehovah's Witness book "What Does the Bible Really Teach?", published in Germany, was recently added to the Federal List of Extremist Materials at No. 2034 after being ruled "extremist" by Krasnoyarsk's Soviet District Court on 14 February. A 2005 edition of the work published in the USA was among the 34 Jehovah's Witness titles ruled "extremist" - along with the Taganrog Jehovah's Witness organisation - by Rostov-on-Don Regional Court in September 2009.

According to the Rostov-on-Don ruling, seen by Forum 18, the "extremist" elements in "What Does the Bible Really Teach?" are: "Many priests falsely claim that they can help the dead"; "To stand on the path of true religion means to destroy all items you have that are linked with false religion. We need to regard them as Jehovah does, and he regards them as an abomination"; "Many common festivals are linked with false religion. One of them is Christmas"; "Those who strive to please God do not celebrate Christmas or other festivals that have pagan roots and are linked with false religion."

Jehovah's Witnesses continue to report "extremism"-related obstruction to their activities. On 13 August, for example, counter-"extremism" and other officials in the North Caucasus republic of Karachai-Cherkessia searched the home of the Koliyevs, an elderly Jehovah's Witness couple living in the settlement of Kosta Khetagurov, and confiscated all their religious literature.

Negative interpretation

One recent court case against Jehovah's Witnesses suggests government officials will favour a harsh interpretation of the Constitutional Court's landmark December 2012 ruling, Forum 18 notes. The ruling considered whether public religious activity outside designated houses of worship requires advance state approval.

Some lawyers – such as Inna Zagrebina of the Moscow-based Guild of Experts on Religion and Law – had hoped that the Court's ruling would protect religious rites at formally rented premises by excluding them from the strict demands made of other public events, such as political demonstrations (see F18News 15 August 2013 http://www.forum18.org/archive.php?article_id=1865).

In a 19 August ruling seen by Forum 18, however, Orel Regional Court upheld a fine of 100,000 Roubles (18,200 Norwegian Kroner, 2,300 Euros or 3,000 US Dollars) against the Jehovah's Witness organisation in the city of Orel for holding a worship service in a rented palace of culture on 27 April without notifying the state authorities in advance.

Also seen by Forum 18, the initial 16 July ruling against the Jehovah's Witnesses by Judge Vitaly Likhachev of Orel's Railway District Court found them guilty of "organising or conducting a public event without notification" (Code of Administrative Offences, Article 20.2, Part 2).

The Court's verdict echoed parts of the December 2012 Constitutional Court ruling in its reasoning. If the state authorities are not notified in advance, it maintained, "the consequences of holding a public religious event accessible to other citizens (even if it takes place indoors) are comparable with the consequences of holding an unapproved public event of a social nature, because the open demonstration of religious convictions might irritate or offend those who profess another or no religion."

"Offending religious feelings" is now itself a criminal offence in Russia (see F18News 14 August 2013 http://www.forum18.org/archive.php?article_id=1864) (END)

For more background, see Forum 18's surveys of the general state of religious freedom in Russia at

http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

The Economist's review of Geraldine Fagan's book "Believing in Russia - Religious Policy after Communism" (Routledge, 2013) is available here <http://www.economist.com/news/books-and-arts/21571111-new-look-religion-post-1991-russia-question-faith>. The book's comprehensive overview of Russian religious policy argues that continuing failure to resolve the question of whether Russia is to be an Orthodox country with religious minorities or a multi-confessional state is destabilising the nation.

An analysis of the way that the Russian authorities have used the Pussy Riot case to intensify restrictions on freedom of religion or belief is at F18News 15 October 2012 http://www.forum18.org/Archive.php?article_id=1754.

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.ucoz.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.

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

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

All Forum 18 text 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