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RUSSIA: "We do not believe in the justice of our court"

By Victoria Arnold, Forum 18

The criminal trial of Ilnur Khafizov and Fidail Salimzyanov, both Muslim readers of the works of Islamic theologian Said Nursi, began again in a magistrates' court in Naberezhnyye Chelny in Russia on 29 January. Proceedings are due to re-start on 19 February, local Muslims told Forum 18 News Service. The criminal trial of two Muslim women, Nakiya Sharifullina and Laura Khapinova, began in a different magistrates' court in the town on 22 January. Their trial is due to resume on 12 February. In Krasnoyarsk, Andrei Dedkov has been accused of organising a cell of the banned "extremist" group "Nurdzhular", having been detained on 24 January when police searched the city's Cathedral Mosque after morning prayers. In the same city, Magomed Suleyman-ogly has been accused of being the leader of a "youth wing of Nurdzhular". Also, changes to "extremism"-related Articles of the Criminal Code, signed into law on 3 February, make it easier for the state to obtain legal permission for surveillance techniques such as phone tapping.

Arrests and prosecutions for "extremist" activity continue against Russian Muslim readers of the works of Islamic theologian Said Nursi. The criminal trial of Ilnur Khafizov and Fidail Salimzyanov began again in a magistrates' court in Naberezhnyye Chelny, in Tatarstan, on 29 January. Proceedings are due to re-start on 19 February, local Muslims told Forum 18 News Service. The criminal trial of two Muslim women, Nakiya Sharifullina and Laura Khapinova, began in a different magistrates' court in the town on 22 January. The trial is due to resume on 12 February.

In Krasnoyarsk, Andrei Dedkov has been accused of organising a cell of the banned "extremist" group "Nurdzhular", having been detained on 24 January when police searched the city's Cathedral Mosque after morning prayers. In the same city, Magomed Suleyman-ogly has been accused of being the leader of a "youth wing of Nurdzhular". Readers of Nursi's works deny that Nurdzhular exists (see Forum 18's Russia "Extremism" religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

Also, changes to "extremism"-related Articles of the Criminal Code were signed into law by President Vladimir Putin on 3 February. The changes impose higher fines and longer prison sentences for "extremism"-related offences. This makes it easier for the state to obtain legal permission for surveillance techniques such as phone tapping (see below).

Trial begins - again

The trial of Khafizov and Salimzyanov in Naberezhnyye Chelny began afresh at the town's Magistrates' Court No. 15 on 29 January under judge Guzeliya Yakhina. A Nursi reader in Naberezhnyye Chelny told Forum 18 after the hearing that prosecutors had raised the sentences requested to two years and one year respectively. The case has been adjourned until 19 February, local Muslims told Forum 18 on 29 January.

The two men are facing charges 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") with being organisers of "Nurdzhular" (see F18News 2 December 2013 http://www.forum18.org/archive.php?article_id=1902).

The trial of Khafizov and Salimzyanov had begun in Naberezhnyye Chelny City Court, where they appeared for the first time on 11 October 2013. However, the case was then transferred to Magistrates' Court No. 15, to the surprise of Muslim readers of Nursi's works in the city.

The third and final City Court hearing took place on 20 December 2013. A local Muslim, who asked to remain anonymous for fear of state reprisals, told Forum 18 on 29 January of an investigator's remark at the last City Court session: "We've learned a lot at these hearings..we'll improve". The Muslim fears that the initial proceedings against Khafizov and Salimzyanov were "a rehearsal", allowing prosecutors to become familiar with the defence before the trial began again in front of the magistrate.

City Court judge Dan Shakurov, in a ruling of 20 December seen by Forum 18, stated that as the prosecution was seeking sentences of less than three years, the defendants should be tried in the magistrates' court system.

A spokesperson for Naberezhnyye Chelny City Court refused to tell Forum 18 on 30 January why Khafizov and Salimzyanov's case had not been dealt with by a magistrate from the outset.

Prosecutors had requested an 18-month suspended sentence for Khafizov and a one-year suspended sentence for Salimzyanov on 14 November 2013 (see F18News 2 December 2013 http://www.forum18.org/archive.php?article_id=1902).

Another magistrates' court trial begins

Also in Naberezhnyye Chelny, Nakiya Sharifullina and Laura Khapinova face the same charges as Khafizov and Salimzyanov. All four were arrested after multiple raids in February 2013 by armed police (see F18News 19 February 2013 http://www.forum18.org/archive.php?article_id=1803). Khafizov and Salimzyanov were initially detained for three months (see F18News 20 June 2013 http://www.forum18.org/archive.php?article_id=1849).

After a prolonged delay, the trials of Sharifullina and Khapinova finally began on 22 January 2014 at Magistrates' Court No. 24 under judge Yekaterina Pypina. It has gone through four hearings so far, with further hearings due on 12, 13 and 14 February.

A local Muslim, who asked to remain anonymous for fear of state reprisals, who has been attending the Magistrates' Court described told Forum 18 on 28 January that most of the witnesses are Tatar-speaking pensioners. They do not have a fluent command of Russian, especially legal language.

The witnesses have not asked for a court-appointed interpreter for fear of being misrepresented: "After nine years of persecution, we are convinced that they cannot be trusted", they told Forum 18 on 11 February. Forum 18 asked Magistrates' Court No. 24 on 11 February whether witnesses' knowledge of Russian was a difficulty in the courtroom and what allowances had been made for them. A spokeswoman would not answer questions on the telephone, asking for questions to be submitted by email.

A Muslim in Naberezhnyye Chelny, who asked to remain anonymous for fear of state reprisals, told Forum 18 on 29 January that: "We do not believe in the justice of our court – we cannot believe in it, after so many years of abuse".

Punishment even if not guilty or convicted

In August 2013, the Federal Financial Monitoring Service (Rosfinmonitoring) added the names of Khafizov, Salimzyanov, and Sharifullina to its list of "terrorists and extremists".

Under the Federal Laws "On countering the laundering of the proceeds of crime and terrorist funding" (August 2001) and "On amendments to certain legislative acts of the Russian Federation counteracting illegal financial transactions" (June 2013), Russian banks are obliged to block the accounts of individuals and organisations on this list. From 30 January 2014 the law has been relaxed to allow small transactions not exceeding 10,000 Roubles (about 1,700 Norwegian Kroner, 210 Euros, or 290 US Dollars) per month.

The List includes people suspected of terrorist or "extremist" activity as well as those who have been charged or convicted, Rosfinmonitoring confirmed to Forum 18 by email on 7 February. Forum 18 asked Rosfinmonitoring on the same day why people were punished by being placed on the List if they have not been convicted of any crime. As of 11 February no answer has been received.

At least seven other Nursi readers also appear on the List. One of them, Ilhom Merazhov, was convicted of "extremist" activity on 27 May 2013 (see F18News 18 June 2013 http://www.forum18.org/archive.php?article_id=1848). He told Forum 18 on 6 February that he has been unable to receive his university salary since being added to the List. Nursi readers in Naberezhnyye Chelny told Forum 18 on 30 January that the assets of Sharifullina, Khafizov, and Salimzyanov are frozen.

Ill-effects of state harassment

Nursi readers in Naberezhnyye Chelny claim that long-term state harassment is having serious health consequences for the women investigated for alleged "extremism", many of whom are elderly and/or ill. Speaking to Forum 18 on 30 January, local Muslims described the fear of law enforcement raids and difficulty sleeping experienced by those implicated in "Nurdzhular" cases.

Mosque raided and worshippers detained

Krasnoyarsk Muslim Andrei Dedkov has been accused of organising a cell of "Nurdzhular", Forum 18 has learned. He was detained on 24 January when police searched the city's Cathedral Mosque after Friday morning prayers, and charged a few days later.

In all, nine alleged members of "Nurdzhular" have been detained, two of whom have been placed under house arrest. Criminal proceedings under Article 282.2 Part 2 have also been initiated against Magomed Suleyman-ogly, accused of being the leader of a

"youth wing of Nurdzhular", a Muslim who wished to remain anonymous for fear of state reprisals told Forum 18 on 11 February.

Dedkov has been accused and tried before. After two years of investigation and trial hearings, prosecutors in February 2012 ran out of time in their attempt to convict Dedkov and three other Muslims on "extremism"-related charges. Dedkov and Yevgeny Petry told Forum 18 at that time that a new case could be launched at any time. Petry told Forum 18 the same day that he and his friends are still under surveillance and have their phone calls monitored. Dedkov noted that many of "our books" (Russian translations of Nursi's works) were still banned (see F18News 5 March 2012 http://www.forum18.org/archive.php?article_id=1675).

Dedkov now stands accused of starting to organise "Nurdzhular" activities in September 2012. Investigators have questioned Dedkov twice and have taken sample recordings of his voice, a fellow Muslim in Krasnoyarsk, who asked to remain anonymous for fear of state reprisals, told Forum 18 on 31 January.

Dedkov's home and those of other suspected "Nurdzhular" participants have also been searched on 24 January. The Siberian Federal District Investigative Committee stated on their website on 25 January that nearly 500 examples of prohibited literature have been seized.

The Investigation Committee Press Office, when rung by Forum 18 on 11 February, stated that a wrong number had been called. Later calls that day went unanswered.

Changes to "extremism" parts of Criminal Code

Changes to the Criminal Code, signed into law by President Putin on 3 February, have increased terms of imprisonment, forced labour and fines for "extremism"-related offences. The amendments' explanatory note states that they are "intended to neutralise the threats to national security posed by the destructive activities of religious organisations on Russian territory" - even though "national security" is not under international human rights law a permissible reason to restrict freedom of religion or belief. The government-initiated draft was lodged with the Duma on 22 June 2013 (see F18News 10 July 2013 http://www.forum18.org/archive.php?article_id=1856).

Changes "make investigators' lives easier"

Several types of "extremism" offence were legally classed as minor, the draft's explanatory note states. So the government was not, for example, formally allowed to monitor private telephone calls during investigations under these Articles.

The Criminal Code changes "make investigators' lives easier", Alexander Verkhovsky of the SOVA Center for Information and Analysis commented to Forum 18 on 4 February. Offences under these Articles have now been reclassified from minor to serious crimes. So law enforcement bodies can now more easily keep suspects in custody during investigations, and make it easier to obtain formal permission for surveillance techniques such as phone tapping.

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

Internal government documents have revealed that both Jehovah's Witnesses and Nursi readers have been targeted in ways that suggest that their believers and communities are closely watched by the police and FSB security service – from both within and outside their communities (see F18News 12 August 2010 http://www.forum18.org/Archive.php?article_id=1478).

The changes to the Criminal Code affect:

- Article 280 ("Calling for extremist activity")

A minimum fine of 100,000 Roubles (about 19,000 Norwegian Kroner, 2,300 Euros, or 3,000 US Dollars) has been introduced where none was specified before, while the maximum period of imprisonment rises from three years to four. This Article does not so far appear to have been used to restrict freedom of religion or belief.

- Article 282 ("Incitement of hatred [nenavist] or enmity [vrazhda], as well as humiliation of human dignity").

The lowest fine for the offence (if accompanied by violence or the threat of violence, committed as part of an organised group, or if the offender makes use of their official position) would triple to 300,000 Roubles (about 56,000 Norwegian Kroner, 7,000 Euros, or 9,000 US Dollars). When not characterised by any of these three circumstances, the maximum term of forced labour for the offence would double to four years.

Article 282 has been a usual choice of prosecutors seeking to punish Jehovah's Witnesses exercising their freedom of religion or belief, and punishments under this Article were last increased in December 2011 (see F18News 10 January 2012

http://www.forum18.org/archive.php?article_id=1653).

- Article 282.1

--Part 1 ("Organisation of an extremist organisation")

--Part 2 ("Participation in an extremist organisation")

The minimum fine for a Part 1 offence would rise to the previous maximum, 200,000 Roubles (about 37,000 Norwegian Kroner, 4,700 Euros, or 6,000 US Dollars). The new maximum fine would be 500,000 Roubles (about 93,000 Norwegian Kroner, 12,000 Euros, or 15,000 US Dollars). The maximum period for which an offender could be fined their income would double to three years. The maximum term of forced labour would increase from four to five years. The maximum term of imprisonment would increase from four to six years.

For the lesser Part 2 offence of "participation", the maximum fine would rise from 40,000 to 100,000 Roubles (about 19,000 Norwegian Kroner, 2,400 Euros, or 3,000 US Dollars). The maximum period for which an offender could be fined their income would increase from three months to one year. The maximum term of forced labour would increase from two to three years. The maximum term of imprisonment would increase from two to four years.

Since punishments under Article 282.1 were last increased in December 2011, it has started to be used against Jehovah's Witnesses exercising their freedom of religion or belief (see eg. F18News 20 March 2013 http://www.forum18.org/archive.php?article_id=1815). Article 282.1 was also used against a Muslim Nursi reader, Ramil Latypov, whose trial was halted in December 2012 (see F18News 2 January 2013 http://www.forum18.org/Archive.php?article_id=1786).

- 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")

--Part 2 ("Participation in the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity")

The minimum fine for a Part 1 offence would rise to the previous maximum, 300,000 Roubles (about 56,000 Norwegian Kroner, 7,000 Euros, or 9,000 US Dollars). The maximum period for which an offender could be fined their income would rise from two to three years. The maximum term of forced labour would increase from three to five years. The maximum term of imprisonment would double from three to six years.

For the lesser Part 2 offence of "participation", the maximum fine would rise from 200,000 to 300,000 Roubles. The maximum period for which an offender could be fined their income would increase from 18 months to two years. The maximum term of forced labour would increase from two to three years. The maximum term of imprisonment would double from two to four years.

The increase in terms of imprisonment means that cases under Article 282.2, such as those in Naberezhnyye Chelny, cannot in future take place before a magistrates' court.

Article 282.2 has been a usual choice of prosecutors seeking to punish Muslim readers of Nursi's works exercising their freedom of religion or belief, and punishments under this Article were last increased in December 2011 (see F18News 12 January 2012 http://www.forum18.org/archive.php?article_id=1654).

Investigations, prosecutions and literature bans under "extremism" laws have targeted Muslim readers of Said Nursi and Jehovah's Witnesses in particular, as well as groups such as Hare Krishna devotees and Protestants (see Forum 18's Russia "Extremism" religious freedom survey http://www.forum18.org/Archive.php?article_id=1724). (END)

For more background, see Forum 18's surveys of the general state of freedom of religion or belief 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.

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.

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

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