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RUSSIA: Two fines, two more sentences imminent, court-ordered book destructions

By Victoria Arnold, Forum 18

Two readers of Islamic theologian Said Nursi - Ilnur Khafizov and Fidail Salimzyanov – have appealed against fines handed down in Tatarstan in February for exercising their right to freedom of religion or belief. The verdict – seen by Forum 18 News Service – also orders religious books confiscated from them to be destroyed. Sentences in the criminal trial of two female Nursi readers are expected on 19 March. Although a criminal trial in Kaliningrad ended without a verdict after the two-year deadline, the court ordered Nursi reader Amir Abuev's books destroyed, a decision he described to Forum 18 as "a gross violation".

Two readers of Islamic theologian Said Nursi have been fined in Tatarstan for exercising their right to freedom of religion or belief, with sentences on a further two expected on 19 March, Forum 18 News Service has learnt. Although a similar criminal case in the Russian exclave of Kaliningrad has been abandoned, a criminal investigation of readers in the Siberian city of Krasnoyarsk is becoming ever wider.

Both the Tatarstan verdict and the Kaliningrad decision ending the criminal prosecution (which did not therefore result in a conviction) order that confiscated religious literature – primarily books by Nursi – be destroyed.

More than 40 Russian translations of Nursi's works and a biography of the theologian (as well as numerous Jehovah's Witness publications) have been ruled "extremist" and added to the Federal List of Extremist Materials. The most recent Nursi work was added on 11 July 2013 after being declared "extremist" by a Krasnoyarsk court in January 2013.

Although Forum 18 can find nothing which advocates hatred, violence, or the violation of any human right in his writings and they are not banned in any other country, sharing Russian translations of Nursi's works even in private homes can be enough to be charged with "extremist" activity in Russia (see Forum 18's "extremism" Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1724).

Russia's Supreme Court outlawed "Nurdzhular", a purported "extremist" organisation of Nursi followers, in April 2008. Muslims who study Nursi's writings say that the group does not exist.

Little or no reasoning is given in the court decisions which have added Nursi's works to the Federal List, Forum 18 notes. Among the few specific instances of "extremism" cited, for example, are Nursi's descriptions of non-Muslims as "frivolous", "philosophers" and "empty-talkers" (see F18News 5 March 2013 http://www.forum18.org/Archive.php?article_id=1811). The freedom to criticise religious or non-religious beliefs is, however, a key tenet of freedom of religion and belief.

Convictions in Naberezhnyye Chelny

On 19 February, Judge Guzeliya Yakhina at Magistrates' Court No. 15 in Naberezhnyye Chelny (Tatarstan) found Ilnur Khafizov, who is now 28, and Fidail Salimzyanov, who is 32, guilty under Criminal Code Article 282.2, Parts 1 and 2 respectively. Khafizov was fined 100,000 Roubles (16,000 Norwegian Kroner, 2,000 Euros or 2,750 US Dollars) and Salimzyanov 50,000 Roubles.

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". Amendments to the Criminal Code signed into law on 3 February increased the maximum penalty to six years' imprisonment.

Article 282.2, Part 2 punishes participation in such organisations. The 3 February amendments increased the maximum penalty to four years' imprisonment (see F18News 11 February 2014 http://www.forum18.org/archive.php?article_id=1927).

In the court verdict, seen by Forum 18, Khafizov is deemed to have organised "a madrassah, with the goal of mass instruction of citizens of the Russian Federation in the collected works 'Risale-i Nur' by Badiuzzaman Said Nursi [...] thus creating a cell of the

banned religious organisation ["Nurdzhular"] in Naberezhnyye Chelny". Salimzyanov, the verdict claims, "took part in the mass instruction", fully aware of "the public danger and criminal character" of his actions. The men allegedly carried out "anti-Russian [antirossiiskaya] and anti-constitutional activities in the form of propaganda" among local residents.

Taking into account the defendants' previous good character and Khafizov's poor health, the court ruled that fines rather than custodial sentences should be imposed.

The verdict also notes that books confiscated during a February 2013 search are among case items to be destroyed. The confiscated books all appear to have been by Nursi "including items entered on the Federal List of Extremist Materials". However, Forum 18 notes that it appears that even books which have not been banned are to be destroyed.

Salimzyanov's appeal against his conviction reached Naberezhnyye Chelny City Court on 6 March, according to the court website. No date has yet been set for the appeal hearing. Khafizov similarly filed an appeal, a fellow Muslim in the town told Forum 18 on 9 March.

Khafizov and Salimzyanov were detained in a series of raids on Nursi readers' homes in Naberezhnyye Chelny in February 2013. They were initially detained for three months. Their trial began in Naberezhnyye Chelny City Court in October 2013. But after several hearings in the City Court, their case was transferred to the magistrates' court system in December 2013. Their new trial began on 29 January 2014 (see F18News 11 February 2014 http://www.forum18.org/archive.php?article_id=1927).

Imminent verdicts in second trial?

In a second criminal trial of Nursi readers in Naberezhnyye Chelny, Nakiya Sharifullina and Laura Khapinova are due to be sentenced at Magistrates' Court No. 24 on 19 March. They too were charged with involvement in "Nurdzhular" under Criminal Code Article 282.2, Part 1.

The prosecutor has asked that fines of 150,000 and 100,000 Roubles respectively should be imposed, a fellow Nursi reader told Forum 18 on 9 March.

The trial of Sharifullina (detained at the same time as the two men) and Khapinova began at Magistrates' Court No. 24 under judge Yekaterina Pypina on 22 January 2014 (see F18News 11 February 2014 http://www.forum18.org/archive.php?article_id=1927).

Investigation extended in Krasnoyarsk

The latest investigation of Nursi readers in Krasnoyarsk, which began on 24 January, is being extended to encompass even distant relatives and friends of the accused, Forum 18 has learnt. "According to my information, there are new searches almost every week," a fellow Muslim told Forum 18 on 8 March.

Andrei Dedkov is being investigated under Article 282.2, Parts 1 and 2 (organisation of and participation in an extremist organisation). An investigation under Article 282.2, Part 2 has also been initiated against Azerbaijani-born Magomed Suleyman-ogly, accused of being the leader of a "youth wing of Nurdzhular" (see F18News 11 February 2014 http://www.forum18.org/archive.php?article_id=1927).

The case against the two men is being investigated by the Siberian Federal District Investigative Committee, based in Novosibirsk, although any trial is likely to be held in Krasnoyarsk, as "the place where the offence was committed", according to local Muslims. It is not yet known if and when the case will come to court.

Spokespersons for both the Investigative Committee and the Krasnoyarsk FSB both refused to give out information by telephone when Forum 18 called on 12 March.

The FSB security service detained Dedkov, Ismat Agdzhayev, and "a few others" at Krasnoyarsk's Cathedral Mosque after Friday prayers on 24 January. Law enforcement officers caught up with other worshippers in the car park of a nearby hypermarket, and at a nearby flat, where a search went on until late at night. Officers confiscated Said Nursi's Risale-i Nur collection of writings, along with memory sticks, tablet and laptop computers, and mobile phones, a Krasnoyarsk resident whose home was raided told Forum 18 on 11 February.

Similar searches were also carried out at the flats of Dedkov, Agdzhayev and the other men detained, and books and electronic devices seized. Agdzhayev is also accused of involvement with banned extremist organisation "Nurdzhular", the existence of which Nursi readers deny.

While the FSB officers showed "no brutality" during these searches, the Krasnoyarsk Muslim who spoke to Forum 18 alleges that they have "put pressure" on one witness, who created a group on social network Vkontakte which quoted Said Nursi, to testify that Dedkov directed him to do so.

Dedkov, alongside three other Krasnoyarsk Muslims, was charged with involvement in "Nurdzhular" on a previous occasion – this case was dropped when the two-year deadline expired in March 2012 (see F18News 5 March 2012 http://www.forum18.org/archive.php?article_id=1675).

Dedkov and Agdzhayev appear on the Federal Financial Monitoring Service (Rosfinmonitoring) list of "terrorists and extremists" whose assets banks are obliged to freeze. The names of Dedkov's three fellow defendants from his previous case do not.

Case dropped in Kaliningrad

The long-running criminal trial of Kaliningrad Muslim Amir Abuev (who calls himself Amin) has at last reached its conclusion, with the 4th Magistrates' Court in the city's Central District unable to pass sentence before the statutory two-year deadline. With the lifting of his travel ban, Abuev has now left Kaliningrad, but told Forum 18 on 10 March that he feels a re-opening of the investigation is still possible.

Abuev's case was opened in February 2012 under Criminal Code Article 282.2, Part 1. His flat was raided by the FSB security service just before namaz (prayers). Books, phones and a computer were seized, and Abuev and seven friends subjected to a full night of questioning.

Although the FSB security service was refused a court order to keep him in pre-trial detention, Abuev was repeatedly summoned for psychiatric evaluation (which he refused) and was placed under a travel ban (see F18News 16 May 2012 http://www.forum18.org/archive.php?article_id=1701).

Court-ordered book destruction "a gross violation"

After Abuev's case was returned to investigators four times, the latest round of hearings began on 3 February 2014. Witnesses were cross-examined, but sentence could not be passed before Abuev requested that the trial should be ended on the grounds that the required two-year period was up. His request was granted and the case was closed on 12 February.

At the hearing on 12 February, the court ruled that the books confiscated from Abuev's flat should be destroyed. According to Abuev, this order only applies to the Russian-language materials and his Turkish and English-language books should be given back, but "they don't want to return the Turkish books for some reason". He describes the order to destroy his books as "a gross violation".

Reached by Forum 18 on 12 March, a spokeswoman for the court refused to comment on the case by telephone.

Despite the FSB's failure to secure a conviction, Abuev remains on Rosfinmonitoring's list. He told Forum 18 that he does not know if or when his name will be removed.

Asked by Forum 18 if fresh proceedings against him might be initiated in the future, Abuev replied that it is a possibility. "They are still asking my friends what my plans are and whether I'll stay in Kaliningrad," he pointed out. (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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