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RUSSIA: After raids and pre-trial detention, six Muslims fined

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

Held in prison in pre-trial detention for months in 2013 after a Police and FSB security service raid, six Muslims in Perm in the Urals were finally convicted in December 2014 and fined, court officials told Forum 18 News Service. They were convicted of "extremism"-related offences for meeting to study the works of the late Turkish Muslim theologian Said Nursi, many of whose books have been banned in Russian translation. Fined the same month was another Nursi reader in Rostov-on-Don. Two other criminal trials – in Ulyanovsk and Krasnoyarsk – are underway. One of the Ulyanovsk defendants, Bagir Kazikhanov, spent more than 6 months in pre-trial detention in 2014. The other two spent about three months in pre-trial detention. The re-trial of 16 members of Taganrog's Jehovah's Witness community – already banned as "extremist" - is due to begin on 5 February.

Nineteen months after Russian police and FSB security service raids in the Urals city of Perm and seven arrests, six Muslims were convicted and fined in December 2014, court officials told Forum 18 News Service. All six had spent up to four months in pre-trial detention in 2013.

They were convicted of involvement in "Nurdzhular", a banned organisation which Muslims in Russia deny exists (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

Shortly before the Perm verdicts, another Muslim in Rostov-on-Don was found guilty of the same charges and also fined. Two more criminal trials of Muslims who read the works of the late Turkish Muslim theologian Said Nursi are underway in Ulyanovsk and Krasnoyarsk. Meanwhile, the re-trial of 16 members of Taganrog's Jehovah's Witness community – already banned as "extremist" - is due to begin on 5 February.

The two defendants in Krasnoyarsk (who are accused of running an alleged "women's cell"), three of the six found guilty in Perm, the defendant convicted in Rostov, and the alleged leader of a "cell" in Ulyanovsk were all charged 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"). This is punishable with a fine of at least 300,000 Roubles (currently about 33,480 Norwegian Kroner, 3,800 Euros, or 4,300 US Dollars) or imprisonment of up to six years.

The other Muslim defendants were charged under Criminal Code Article 282.2, Part 2, with the lesser offence of participation in an alleged "extremist organisation". This carries a maximum fine of 300,000 Roubles or up to four years' imprisonment. Increased punishments for both Parts 1 and 2 were signed into law by President Vladimir Putin in February 2014 (see F18News 11 February 2014 http://www.forum18.org/archive.php?article_id=1927).

Known verdicts: Perm

All six defendants, whose trial began in October 2014, were convicted on 22 December 2014 at Magistrates' Court No. 37, in Perm's Sverdlovsk District. Magistrate Aleksandr Gulin found Ertugrul Ergin, Elnur Kerimov, and Aleksei Tashchevnikov guilty of the organisation of "extremist" activities under Article 282.2, Part 1, and fined them each 100,000 Roubles. Ramil Kerimov, Rasul Magomedov, and Azad Tadzhiev were found guilty of participation in an "extremist organisation" under Article 282.2, Part 2, and each fined 30,000 Roubles (about 3,350 Norwegian Kroner, 380 Euros, or 430 US Dollars).

A seventh Muslim who had originally been accused with the other six, Vyacheslav Solovyov, was in June 2014 convicted under Criminal Code Article 282.2 and sentenced to one year's suspended prison sentence (see F18News 20 November 2014 http://www.forum18.org/archive.php?article_id=2017)

Ergin is a Turkish citizen. Elnur Kerimov and Ramil Kerimov (who appear to be brothers) and Tadzhiev are Azerbaijani citizens. The other two are Russian citizens.

All six received reduced fines as they had each spent up to three months in pre-trial detention in 2013, court secretary Yekaterina Yoltysheva told Forum 18 on 29 January 2015. She added that the defendants had submitted no appeal by the deadline of 13

January.

Another Muslim from Perm who reads Nursi's works, Vyacheslav Solovyov, was given a one-year suspended prison sentence in June 2014 at Sverdlovsk District Magistrates' Court No. 36 under Criminal Code Article 282.2. The case of the other six accused was passed to Magistrates' Court No. 37, but court officials refused to explain why (see F18News 20 November 2014 http://www.forum18.org/archive.php?article_id=2017).

All seven men were arrested in May 2013, as part of a wide-ranging law enforcement operation also involving raids in St Petersburg, Anapa and Rostov-on-Don. In Perm, police seized 4,860 allegedly "extremist" books, plus computer equipment, discs, and mobile phones (see F18News 24 June 2013 http://www.forum18.org/archive.php?article_id=1850).

Police kept Tashchevnikov, Tadzhiev, Elnur Kerimov, and Ramil Kerimov in custody for the duration of the investigation, which ran until 19 September 2013, a total of four months, according to records at Perm Regional Court, seen by Forum 18. On 17 June 2013, Sverdlovsk District Court granted the investigators' request for an extension to the custody period. The accused appealed (Tashchevnikov and Elnur Kerimov on multiple occasions) but were unsuccessful, despite their claims that the accusations against them were unfounded and their detention was unfairly isolating them from society.

Known verdicts: Rostov-on-Don

In a single hearing on 3 December 2014, Judge Stanislav Vinokur of Rostov's October District Court found another Muslim who reads Nursi's works guilty of organising "extremist" activity under Article 282.2, Part 1. Gadzhibek Ismailov was sentenced to pay a fine of 130,000 Roubles (about 14,500 Norwegian Kroner, 1,650 Euros, or 1,860 US Dollars).

The case, prepared by Rostov Regional Prosecutor's Office, alleged that Ismailov organised the study of banned religious literature in his home between November 2012 and May 2013, the Prosecutor's Office noted on its website on 17 November 2014. The books were among fourteen of Nursi's works banned by Koptevo District Court in Moscow in 2007 (see F18News 27 June 2007 http://www.forum18.org/archive.php?article_id=981).

Asked in November 2014 why Ismailov was considered dangerous, a spokeswoman for Rostov Regional Prosecutor's Office told Forum 18: "He organised the study of literature ruled extremist by court decision, and drew in a certain number of people. At his home these people studied the ideas of the spiritual leader of Nurdzhular, an extremist movement" (see F18News 20 November 2014 http://www.forum18.org/archive.php?article_id=2017).

Neither the press office nor the department for criminal cases of October District Court would answer Forum 18's questions on 28 January regarding the payment of fine or a possible appeal, saying that all enquiries should be submitted in writing. Forum 18 sent a written request for information in the early afternoon of 28 January but received no reply by the end of the working day in Rostov on 29 January.

Earlier known verdict: Naberezhnyye Chelny

At Naberezhnyye Chelny City Court on 22 July 2014, another Nursi reader, 26-year-old Zarema Magomedova, was found guilty of participation in Nurdzhular (under Article 282.2, Part 2) and fined 50,000 Roubles. This was part of a long-running law enforcement campaign against women and men who met in the city to read the theologian's works. Tatarstan's Supreme Court rejected her appeal on 12 September 2014.

According to the appeal court verdict, seen by Forum 18, Magomedova was accused of having "studied the works of Said Nursi, which form the ideological basis of [Nurdzhular], thereby entering into the ranks of this religious association, sharing its goals and objectives, consisting of the formation of groups of the civilian population with a positive perception of death, combined with a willingness to self-sacrifice in the interests of its teachings".

On 5 August 2014, Magomedova was added to the Federal Financial Monitoring Service (Rosfinmonitoring) list of "terrorists and extremists".

Two other women (Nakiya Sharifullina and Laura Khapinova) and two men (Ilnur Khafizov and Fidail Salimzyanov) were also convicted of involvement in Nurdzhular in Naberezhnyye Chelny earlier in 2014 (see F18News 19 June 2014 http://www.forum18.org/archive.php?article_id=1971). They received fines of 50,000 to 100,000 Roubles under Article 282.2, Parts 1 and 2.

Continuing trial: Ulyanovsk

The trial of Bagir Kazikhanov, Stepan Kudryashov, and Aleksandr Melentyev began on 12 January under Judge Natalya Damayeva of Lenin District Court in Ulyanovsk. As of 28 January, it had reached its seventh hearing, according to the court website.

Kazikhanov has been charged under Article 282.2, Part 1, his fellow defendants under Article 282.2, Part 2.

A fourth man, Farkhad Allakhverdiyev, has also been charged under Article 282.2, Part 2, but has not yet been brought to court. Allakhverdiyev's whereabouts are unknown, and prosecutors have therefore been obliged to open a separate case against him, a fellow Nursi reader told Forum 18 on 27 January.

"Hearings are being held every day," the Nursi reader told Forum 18. "They are now questioning the witnesses. Many of the witnesses are changing their testimony in court in favour of the defendants."

Even before judges come to a verdict, charges of involvement in "extremist" activity can have a significant impact on the life of the accused. Kazikhanov, for instance, remains under house arrest, while Melentyev and Kudryashov are under travel restrictions. Between his arrest in Moscow on 9 April 2014 until 26 October 2014, Kazikhanov was held in pre-trial detention.

Kudryashov was also in custody from 9 April to 4 July 2014, according to police records of the case, which Forum 18 has seen. He was then released to house arrest, which in turn lasted until 8 October 2014, when he was placed under travel restrictions. Melentyev was in custody from 9 April to 21 July 2014. This was then commuted to house arrest by Lenin District Court until 21 August, later extended to 21 September. On 19 September 2014, as a result of his cooperation with the investigation, the house arrest was replaced by travel restrictions.

Under Russian law, people under house arrest are not allowed to leave their registered place of residence except for medical reasons, to communicate with anybody involved in the case except lawyers and investigators, to send or receive post, or use the telephone or internet except under certain conditions.

Kazikhanov (originally from Dagestan in Russia's North Caucasus) is accused of having come to Ulyanovsk deliberately to found and lead a "Nurdzhular" cell dedicated to the study of Nursi's works and the dissemination of his ideas. The police document outlining the charges against him, seen by Forum 18, claims that his actions amounted to "the agitation of inter-confessional and inter-ethnic hatred and enmity, with the aim of the Islamification of the state and the region by the direction of the governing centre of Nurdzhular, located in Turkey". Russian Muslims deny this alleged organisation exists (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1724)

The police case file asserts that Kudryashov, Melentyev and Allakhverdiyev, meanwhile, "accepted Kazikhanov's proposal to take part in the banned extremist activities of the international religious organisation Nurdzhular in Ulyanovsk, and further, following the same criminal intent, began to pick up people professing Islam for training in the spirit of the goals and values [of Nurdzhular]".

Ulyanovsk Police sent a large quantity of books, pamphlets, compact discs and electronic equipment seized from all four men to Nizhny Novgorod State University's Centre for Historical and Cultural Anthropology for "expert analysis" by Fyodor Dorofeyev (history of religion), Yevgeny Volkov (sociology), and Yekaterina Koltunova (linguistics) (see F18News 20 November 2014 http://www.forum18.org/archive.php?article_id=2017).

From the experts' report, seen by Forum 18, it appears that simply meeting for study and discussion of Nursi's works, even using editions which have not been prohibited and placed on the Justice Ministry's Federal List of Extremist Materials, is sufficient reason for Muslims to be accused of engaging in "extremist" activity.

Continuing trial: Krasnoyarsk

The criminal trial in Krasnoyarsk of Yelena Gerasimova and Tatyana Guzenko, accused of running a Nurdzhular "women's cell", is being further delayed as Judge Svetlana Vladimirtseva is still examining the materials of the case, a fellow reader of Nursi's books told Forum 18 on 27 January.

The case under Article 282.2, Part 1 finally got underway with a preliminary hearing at Soviet District Court on 27 November 2014, having been passed around the Krasnoyarsk court system for the previous six months (see F18News 20 November 2014 http://www.forum18.org/archive.php?article_id=2017). All four hearings since then, the latest on 28 January, have been postponed. The next is scheduled to take place on 4 February, according to the court website.

Police "anti-extremism" officers and the FSB security service raided Gerasimova's and Guzenko's flats on 8 August 2013, during the major end-of-Ramadan festival Eid-ul-Fitr. At Gerasimova's home, police conducted a five-hour search, during which the family's Eid guests were not permitted to leave and Gerasimova (who is a lawyer) noted a number of procedural violations (see F18News 21 October 2013 http://www.forum18.org/archive.php?article_id=1888).

Krasnoyarsk Regional Prosecutor's Office alleged in a press release on 29 May 2014 that the accused ran a "cell" of more than ten women, and fostered contacts with "Nurdzhular" members in Naberezhnyye Chelny (something Nursi readers in that city have denied to Forum 18).

Sixteen Jehovah's Witnesses charged with "continuing the activities of an extremist organisation" after their community was dissolved in 2009 are back on trial after Rostov Regional Court overruled the initial verdicts issued by Taganrog City Court. Four of the 16 were in August 2014 convicted under Criminal Code Article 282.2, Part 1 and Article 150, Part 4 ("Involving a minor in a criminal group .. or crimes motivated by political, ideological, racial, ethnic or religious hatred or enmity or hatred or enmity against a social group"). Three of the 16 were convicted under Criminal Code Article 282.2, Part 2. The rest were acquitted. The "crime" of those convicted was to continue to meet together for prayer and Bible study (see F18News 19 August 2014 http://www.forum18.org/archive.php?article_id=1986).

The 2009 liquidation of the Taganrog Jehovah's Witness community as allegedly "extremist" was used to justify banning all Jehovah's Witness activity in the city, a ban subsequently upheld by the Supreme Court (see F18News 8 December 2009 http://www.forum18.org/archive.php?article_id=1385).

The forcible liquidation of the also allegedly "extremist" Jehovah's Witness community in Samara was confirmed in the Supreme Court on 12 November 2014. After the August 2014 convictions of those convicted of meeting together in Taganrog for prayer and Bible study, they appealed to Rostov Regional Court (see F18News 20 November 2014 http://www.forum18.org/archive.php?article_id=2017).

At the Rostov appeal hearings on 11 and 12 December 2014, both convictions and acquittals were overturned and the case sent back for re-examination. The first, delayed hearing in the new set of proceedings will take place on 5 February 2015, Natalya Filonenko, assistant to Judge Aleksei Vasyutchenko, told Forum 18 on 29 January.

When a registered religious organisation is liquidated, it loses its status as a legal entity and associated rights, such as the ability to own or rent property, employ staff and hold a bank account. An unregistered community should legally be able to continue to operate as a religious group, which does not require registration, and meet privately for worship and study (see F18News 14 April 2005 http://www.forum18.org/archive.php?article_id=543).

This did not stop Taganrog Jehovah's Witnesses from facing criminal charges for continuing to meet for prayer and Bible study. Despite the suspension or waiving of the punishments, the seven who were convicted of this "crime" would still have criminal records were the ruling to come into force, and would be unable to change their places of work, study or residence without notifying the authorities. They would also have to show that they had "corrected" their behaviour.

All 16 defendants in the original Taganrog trial appealed against the verdict, including those who were acquitted. In response to a written request for information, Taganrog City's Deputy Prosecutor Aleksei Venikov told Forum 18 on 5 September 2014 that Rostov Regional Prosecutor's Office had also submitted an appeal and all further enquiries should be directed there. The Regional Prosecutor's Office, however, repeatedly refused to discuss the case with Forum 18. A written enquiry was sent in the middle of the working day on 28 January 2015, but no reply was received by the end of the working day in Taganrog on 29 January.

The liquidation of a third Jehovah's Witness community, in the town of Abinsk in the southern Krasnodar Region, is also under consideration at Krasnodar Regional Court (see F18News 22 January 2015 http://www.forum18.org/archive.php?article_id=2031).

Both the Taganrog and Samara Jehovah's Witness communities appear on the Federal Financial Monitoring Service (Rosfinmonitoring) list of "terrorist and extremist" organisations. The Samara community has not yet been added to the list of banned "extremist" organisations on the Justice Ministry website. (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.

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