

6 March 2015

RUSSIA: Muslim first known victim of lengthened "extremism" prison terms

By Victoria Arnold, Forum 18

A 31-year-old Muslim from Ulyanovsk, Bagir Kazikhanov, is preparing to appeal against his sentence of three and a half years' imprisonment for "organisation of extremist activity". He is the first known person to be sentenced under the February 2014 lengthened Criminal Code Article 282.2, Part 1 terms of imprisonment, Forum 18 News Service notes. Two fellow Muslims who received suspended prison terms are also set to appeal, a fellow Muslim told Forum 18. A fourth man is wanted by police. The four met to discuss religion, watch football and study the works of the Turkish Islamic theologian Said Nursi. Many Russian translations of his works have been banned. The 15th hearing in the criminal trial of two leaders of a Muslim "women's cell" in Krasnoyarsk is due on 1 April. And the eighth hearing in the re-trial of 16 members of the banned Jehovah's Witness community in Taganrog for alleged "extremism" offences was adjourned today (6 March).

A court in the Volga city of Ulyanovsk has imposed a jail sentence for involvement in "Nurdzhular", a banned organisation whose alleged existence is strongly denied by Muslims who study the works of late Turkish theologian Said Nursi. Two other defendants received suspended sentences. An ongoing court case against the alleged leaders of an alleged "Nurdzhular women's cell" in the Siberian city of Krasnoyarsk is still beset by delays, reaching its 14th adjourned hearing on 4 March. A Muslim in the city told Forum 18 on 4 March that further "extremism" proceedings are expected against three men arrested in early 2014.

Meanwhile, 16 members of the Jehovah's Witness community in Taganrog in southern European Russia – banned as "extremist" in 2009 – have faced multiple delays in their re-trial for alleged "extremism" offences at Taganrog City Court.

Ulyanovsk jail sentence

For the first time since September 2013, a Muslim who reads Said Nursi's works has received a jail sentence for "organisation of an extremist organisation". The 31-year-old Bagir Kazikhanov was found guilty under Criminal Code Article 282.2, Part 1, at Lenin District Court in Ulyanovsk on 25 February, according to the court website. Judge Natalya Damayeva sentenced him to three and half years' imprisonment.

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") is punishable with a fine of at least 300,000 Roubles (currently about 38,190 Norwegian Kroner, 4,480 Euros, or 4,930 US Dollars) or imprisonment of up to six years.

Such an outcome had been expected, a fellow Muslim in Krasnoyarsk remarked to Forum 18 on 5 March, as there had been "rumours that [the prosecution] would request that the judge impose jail sentences".

Kazikhanov's fellow defendants, 26-year-old Stepan Kudryashov and 25-year-old Aleksandr Melentyev, were convicted of the lesser offence under Criminal Code Article 282.2, Part 2 of: "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". They received suspended sentences of two years and one year and eight months respectively.

All three sentences will be reduced by the amount of time the defendants have already spent in custody and under house arrest. The men are all preparing to appeal, a fellow Muslim told Forum 18 on 4 March.

Whereabouts of fourth defendant unknown

The whereabouts of 26-year-old Farkhad Allakhverdiyev, the fourth man charged under Article 282.2, Part 2, are still unknown. His name is on the Interior Ministry "Wanted Database", Forum 18 notes. As a result, prosecutors have been obliged to open a separate case against him.

September 2013 St Petersburg prison sentence

Shirazi Bekirov was in September 2013 sentenced in St Petersburg to six months in an open-regime prison. He was the 14th Muslim in Russia known to have received a criminal sentence for reading Nursi's works, many of which have been banned in Russia as "extremist". Bekirov and other Muslims who met others to read Nursi's works – whether or not they were convicted of any "crime" – appear on a Russian government "list of terrorists and extremists (current)" (see F18News 6 September 2013 http://www.forum18.org/archive.php?article_id=1872).

Criminal Code Article 282.2 Parts 1 and 2 have been the usual choice of prosecutors seeking to punish Muslim readers of Nursi's works for exercising their freedom of religion or belief. Punishments under this Article were last increased in February 2014 (see F18News 11 February 2014 http://www.forum18.org/archive.php?article_id=1927), having been earlier increased in December 2011 (see F18News 10 January 2012 http://www.forum18.org/archive.php?article_id=1653).

"A group with a positive perception of death" ?

The Ulyanovsk defendants "formed a group with a positive perception of death, combined with a willingness to self-sacrifice in the interests of doctrine and violation of the territorial integrity of the state", a 26 February statement on the Ulyanovsk Regional Prosecutor's Office website claimed.

A spokeswoman for Lenin District Prosecutor's Office, which handled the case, directed Forum 18 to Senior Assistant Prosecutor Vasily Zima at the Regional Prosecutor's Office. His telephone went unanswered whenever Forum 18 called on 5 and 6 March.

Ulyanovsk sentences

Judge Damayeva ruled that Kazikhanov, previously under house arrest, was to be detained immediately after the trial and kept in police custody until the decision comes into force. With his three-and-a-half-year term, to be served in a general-regime correctional colony, he becomes the first known person to be sentenced under the lengthened Criminal Code Article 282.2, Part 1 terms of imprisonment brought in by changes in February 2014.

Other changes to "extremism"-related Articles of the Criminal Code brought in at the same time make it easier for the state to obtain legal permission for surveillance techniques such as phone tapping (see F18News 11 February 2014 http://www.forum18.org/archive.php?article_id=1927).

Despite avoiding imprisonment, Kudryashov and Melentyev will remain on probation for long periods – Kudryashov for two years (reduced by time spent in custody before the trial), Melentyev for one year and 10 months - despite a sentence of one year and eight months, but also reduced by the length of his pre-trial detention.

During this time, they cannot leave the city of Ulyanovsk or change their places of residence without informing the state authorities responsible for monitoring those with suspended sentences. Until the court decision comes into force, both remain under travel restrictions.

Apart from Kudryashov's and Melentyev's mobile phones, which are to be returned to them, all confiscated belongings (including books and computer equipment) will remain in police custody until Allakhverdiyev has been found and tried.

Ordered to set up a "cell" ?

Judge Damayeva agreed with the prosecution that Kazikhanov came to Ulyanovsk on the instructions of the "steering centre of Nurdzhular" in order to set up a "cell" in the city. He ran regular Islamic study sessions in rented flats between 2012 and 2014, which investigators alleged were in fact "conspiratorial gatherings" which "with the goal of involving new members in Nurdzhular, promoted the ideas of the association".

These ideas allegedly included the creation of a worldwide Islamic state (caliphate), the establishment of sharia law, and the incitement of inter-confessional hatred and enmity. The meetings involved at least 10 other people who studied Islam using Nursi's works.

Russia's Supreme Court banned "the international religious organisation Nurdzhular" as "extremist" in April 2008. Muslims in Russia deny the alleged organisation exists (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

Nursi's books, according to the verdict, promoted "the creation of a theocratic Islamic state" and "a gradual transformation of the personality and a change in worldview".

Very similar language in supposedly "expert" analyses was seen in a February 2010 "psycholinguistic expert analysis" by a subsequently ordained Russian Orthodox layman used to ban Islamic books (see F18News 19 June 2012 http://www.forum18.org/archive.php?article_id=1713) and a May-June 2013 "psycho-linguistic examination" in May-July 2013 as part of an "extremism" investigation (see F18News 10 April 2014 http://www.forum18.org/archive.php?article_id=1946).

The prosecution claimed that Kudryashov and Melentyev, "pursuing with [Kazikhanov] a single criminal intent", were active in recruiting others to the "cell".

Kudryashov and Melentyev, who are friends from school and university, admitted reading Nursi's books but denied being members of "Nurdzhular", being involved in any "agitation", or even showing Nursi's texts to anyone else. They said that Kazikhanov never spoke of "Nurdzhular" and did not control their meetings; they simply prayed together, discussed religion, and went to the cinema and football matches.

Kudryashov also insisted he had no knowledge of "Nurdzhular" and had never received any instructions or money from abroad. He maintained that the books he read "do not kindle discord on the basis of religion or nationality and do not contain calls for the overthrow of the existing order and the establishment of a new Islamic state".

Defendants to pay for part of investigation against them

The judge also ruled that the defendants must bear the cost of the "expert" analysis carried out on materials seized from their homes, a total of 430,000 Roubles (56,000 Norwegian Kroner, 6,500 Euros or 7,200 US Dollars). Kudryashov and Melentyev are to pay 140,000 Roubles each; Kazikhanov, 150,000 Roubles.

Ulyanovsk police sent a large quantity of books, pamphlets, compact discs and electronic equipment confiscated from all four men to Nizhny Novgorod State University's Centre for Historical and Cultural Anthropology for "expert analysis". The analysis was carried out by Fyodor Dorofeyev (history of religion), Yevgeny Volkov (sociology), and Yekaterina Koltunova (linguistics).

From the 25 February verdict and the details of the analysis by the "experts", also 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 for Muslims to be accused of engaging in "extremism". Jehovah's Witnesses also face the same kind of risk of prosecution (see eg. F18News 28 February 2013 http://www.forum18.org/archive.php?article_id=1808).

In the case of these four Muslim men, this happened despite Dorofeyev of Kazan University's conclusion that there had been no conspiracy aimed at sowing religious or societal discord. Knowledge of Nursi's Turkish associates and Islamic life in Turkey or even speaking the Turkish language are also grounds for suspicion (see F18News 20 November 2014 http://www.forum18.org/archive.php?article_id=2017).

If a person has "extremist" material on the Federal List of Extremist Materials, such as Russian translations of Nursi's works, they are liable to face criminal prosecution (see Forum 18's Russia "Extremism" religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

Burden of criminal proceedings

Even before judges come to a verdict, charges of "participation in an extremist organisation" can have a significant impact on the life of the accused. According to the police file on the case, seen by Forum 18, Kazikhanov, Kudryashov, and Melentyev were all held in pre-trial detention and kept under house arrest and travel restrictions for varying periods of time in the run-up to court proceedings (see F18News 29 January 2015 http://www.forum18.org/archive.php?article_id=2033).

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

Kazikhanov, Kudryashov, Melentyev, and Allakhverdiyev all appear on the Federal Financial Monitoring Service (Rosfinmonitoring) list of "terrorists and extremists" whose assets banks are obliged to freeze.

Krasnoyarsk "women's cell"

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.

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 14 hearings since then, the latest on 3 March, have been adjourned. The next is scheduled to take place on 1 April, 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 this 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 an alleged "cell" of more than 10 women, and fostered contacts with "Nurdzhular" members in Naberezhnyye Chelny. Muslims in that city have denied this allegation to Forum 18.

So far, Gerasimova and Guzenko's names have not been added to the Rosfinmonitoring list of "terrorists and extremists".

Another Krasnoyarsk "extremism" trial imminent?

Meanwhile, in another set of "extremism" proceedings against Muslim readers of Nursi's works in Krasnoyarsk, investigators are attempting to limit the time allowed for the defence to familiarise themselves with the case materials, a fellow Muslim told Forum 18 from the city on 4 March 2015.

Investigators have tried three times to have this period of examination curtailed, but have been refused by Soviet District Court. The district court's third refusal has, however, been overturned by Krasnoyarsk Regional Court, and the defence expects another attempt to bring court proceedings forward. It is unknown when hearings will begin.

The Siberian Federal District Investigative Committee's investigation of 35-year-old Andrei Dedkov under 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") and 32-year-old Aleksei Kuzmenko and 18-year-old Ismat Agdzhayev under Article 282.2, 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") has been underway since January 2014 (see F18News 12 March 2014 http://www.forum18.org/archive.php?article_id=1936).

The FSB security service detained the three men and several other Muslims at Krasnoyarsk's Cathedral Mosque and in a hypermarket car park. Officers confiscated copies of Nursi's Risale-i Nur (Messages of Light) collection, computer equipment, and mobile phones during searches of their homes (see F18News 11 February 2014 http://www.forum18.org/archive.php?article_id=1927).

While the FSB officers showed "no brutality" during these searches, a Krasnoyarsk Muslim who spoke to Forum 18 in February 2014 stated that the FSB "put pressure" on one witness, who created a group on social network Vkontakte which quoted Nursi, to testify that Dedkov directed him to do so (see F18News 12 March 2014 http://www.forum18.org/archive.php?article_id=1936).

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, Kuzmenko and Azerbaijani-born Agdzhayev all appear on the Rosfinmonitoring list of "terrorists and extremists". The names of Dedkov's three fellow defendants from his previous case do not.

Taganrog Jehovah's Witness re-trial

The re-trial of 16 Jehovah's Witnesses charged with "continuing the activities of an extremist organisation" after their community was dissolved has been delayed for the sixth time at Taganrog City Court. After a preliminary hearing on 12 January 2015, hearings under Judge Aleksei Vasyutchenko were due to begin on 22 January. However, they were then delayed to 5 February (see F18News 5 January 2015 http://www.forum18.org/archive.php?article_id=2033).

Hearings have since been adjourned because of a defendant's illness or for unexplained "other reasons", most recently for the eighth time on 6 March, according to the court website.

The telephone of Judge Vasyutchenko's office went unanswered each time Forum 18 called to ask about progress in the case on 5 and 6 March.

Four of the 16 were convicted 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") 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"). Another three were convicted under Criminal Code Article 282.2, 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"), while 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).

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.

Supposedly free to meet - in reality charged

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 prevent prosecutors charging the Taganrog Jehovah's Witnesses 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 trial appealed against the verdict, including those who were acquitted. Rostov Regional Prosecutor's Office also submitted an appeal, but has repeatedly refused to discuss the case with Forum 18.

Both the Taganrog and Samara Jehovah's Witness communities appear on the Federal Financial Monitoring Service (Rosfinmonitoring) list of "terrorist and extremist" organisations and the list of banned "extremist" organisations on the Justice Ministry website.

Abinsk community liquidated as "extremist"

A third Jehovah's Witness community, in the town of Abinsk, was ruled "extremist" and liquidated by Krasnodar Regional Court on 4 March. The regional prosecutor's attempt to have the organisation dissolved resulted from the conviction of two of its members for distribution of "extremist literature" after an official warning had been issued. The community now plans to appeal to Russia's Supreme Court.

Following a similar pattern to the cases in Taganrog and Samara, the regional prosecutor's suit came after a Jehovah's Witness was fined (in October 2013, according to the Abinsk District Court website) for handing out the organisation's texts among local residents. The community was also given a formal warning about the inadmissibility of "extremist activity", but allegedly continued to distribute prohibited literature. The liquidation proceedings stemmed from a police raid on the community's rented premises in January 2014, which uncovered "extremist" books in a locked box (see F18News 22 January 2015 http://www.forum18.org/archive.php?article_id=2031).

The community's property, comprising a house on 800 square metres of land (about a fifth of an acre) in the south of Abinsk, will be forfeit to the state if the ruling comes into force, according to the Caucasian Knot news website.

Community members Igor Soroka and Albert Belikov received fines of 3,000 Roubles each in December 2012 and October 2013 respectively for handing out Jehovah's Witness brochures, according to written verdicts seen by Forum 18. The defence in the dissolution case argued that the two men were no longer members of the Abinsk community at the time of their convictions, but this was dismissed by the judge. (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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