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RUSSIA: Trial for studying religious books begins

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

Eleven Muslims charged or on trial for meeting to study Turkish theologian Said Nursi's works face up to six years' imprisonment if convicted. The trial of three men began in Dagestan, while another continues in Blagoveshchensk. Two Jehovah's Witnesses also remain on criminal trial.

The trial of three Muslims charged with "extremist activity" for meeting to study the works of Turkish theologian Said Nursi has begun in the Dagestani capital Makhachkala, with the first full hearing on 3 April. The trial of a further Muslim on the same grounds continues in Blagoveshchensk in the Far Eastern Amur Region. Criminal proceedings against another two are due to begin next month in Krasnoyarsk.

The FSB security service has extended until 2 May its investigation of a further four Muslims in Novosibirsk who read Nursi's works (see below).

The eleven now charged or on trial for meeting to study Nursi's works face large fines or up to six years' imprisonment if found guilty.

Two Jehovah's Witnesses charged with "extremism"-related "offences" in Moscow Region have faced repeated delays to their criminal trial since the judge ordered further "expert analysis" in November 2016 (see below).

The trial of Stavropol atheist Viktor Krasnov has ended with the expiry of the two-year time limit on criminal prosecutions. He was prosecuted under Criminal Code Article 148, Part 1 ("Public actions expressing obvious disrespect for society and committed with the intention of insulting the religious feelings of believers") (see below).

Nursi cases

All four ongoing prosecutions of Muslims who study Nursi's works have arisen from circumstances similar to those of previous cases: people who have met to read and discuss Nursi's books are accused of creating "cells" of the banned "extremist" organisation "Nurdzhular", which Muslims in Russia deny exists.

Prosecutors then bring charges under Criminal Code Article 282.2, either under 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"), or 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") (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=2215).

The 11 accused Muslims are being prosecuted under the pre-July 2016 version of Criminal Code Article 282.2. If convicted under Part 1, they could receive fines of 300,000 to 500,000 Roubles, compulsory labour of up to five years, or prison sentences of up to six years. If convicted under Part 2, courts could hand down fines of up to 300,000 Roubles, compulsory labour of up to three years, or prison sentences of up to four years.

So-called "anti-terrorism" changes to the Religion Law came into force in July 2016, imposing then-new serious restrictions on freedom of religion and belief and other human rights. These included an increase in the maximum prison sentence under Criminal Code Article 282.2, Part 1 to 10 years, and an increase under Part 2 to six years (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=2215). No prosecutions under these amended terms are known to have been initiated between 20 July 2016 and early April 2017.

Financial penalties even if not convicted

Officials have placed both Jehovah's Witness defendants and all eleven of the Muslims currently being prosecuted on the list of

"terrorists and extremists" maintained by the Federal Financial Monitoring Service (Rosfinmonitoring). (Krasnov has never appeared as he was not charged with an "extremism"-related offence.) Banks are thereby obliged to freeze their assets. On 30 January 2014, the law was relaxed to allow small transactions not exceeding 10,000 Roubles per month. (For a detailed description of the impact of the Rosfinmonitoring list, see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215.)

Dagestan trial begins

Three Muslims who read Nursi's works have gone on trial in the Dagestani capital Makhachkala. Ziyavdin Badirsoltanovich Dapayev (born 12 May 1982) is facing charges under Criminal Code Article 282.2, Part 1, for allegedly organising a "Nurdzhular cell". On trial with him on the same charges are the brothers Sukhrab Abdulgamidovich Kaltuyev (born 13 November 1981) and Artur Abdulgamidovich Kaltuyev (born 15 June 1986).

After a preliminary hearing on 20 March, their first full hearing took place on 3 April before Judge Magomed Nasrutdinov at Makhachkala's Lenin District Court. The case is being heard in open court and three relatives of the defendants were present, Dapayev's lawyer Murzatali Barkayev told Forum 18 on 3 April. It is unlikely that there will be a verdict soon, he added. The next hearing is due on 12 April at 14.30 Makhachkala time.

Dapayev is still being held in an investigation prison, Imam Ilhom Merazhov, who has been following the case, confirmed to Forum 18 on 30 March. He has been detained there since March 2016, when 14 Muslims were arrested in a series of raids across Dagestan (most of whom were later released) (see F18News 11 April 2016 http://www.forum18.org/archive.php?article_id=2166). FSB officers seized hundreds of books, as well as phones and computers, from suspects' homes. The Kaltuyev brothers remain under travel restrictions. All three men appear on the Rosfinmonitoring list of "terrorists and extremists".

Dapayev's prison address is:

367012 Respublika Dagestan

Makhachkala

ulitsa Levina 45

Sledstvenny Izolyator No. 1

Russia

This is the second time Dapayev has been charged with "extremist activity" for studying Nursi's works. In May 2011, he received a three-year suspended sentence, which was upheld on appeal, and the court decided that books belonging to him should be destroyed (see F18News 21 June 2011 http://www.forum18.org/archive.php?article_id=1582). After Dapayev challenged the destruction ruling, some books were returned, but up to 70 copies of Nursi's writings in translation were again ordered to be destroyed (see F18News 21 March 2012 http://www.forum18.org/archive.php?article_id=1682).

Krasnoyarsk trials imminent

Andrei Nikolayevich Dedkov (born 16 June 1979) is due to appear in court in April on charges of organising a "cell" of "Nurdzhular". He was released from pre-trial detention on 3 March (after nearly a year in custody) and placed under travel restrictions, Imam Merazhov, who has been following his case, told Forum 18 on 5 March.

Dedkov has been charged for the third time under Criminal Code Article 282.2, Part 1, for arranging gatherings of Muslims to read the works of Said Nursi. Prosecutors have submitted the case to Krasnoyarsk's Soviet District Court and the first hearing is due on 18 April, a fellow Muslim who reads Nursi's works told Forum 18 on 27 March.

Andrei Gennadyevich Rekst (born 14 March 1994) was charged at the same time as Dedkov under Criminal Code Article 282.2, Part 2, for "participation in" the alleged cell. He will soon go on trial at Sverdlovsk District Court, but no hearing date has yet been set. He is currently free on bail.

Prosecutors are also seeking to have religious literature seized from Rekst's home declared "extremist". A preliminary hearing was held before Judge Natalya Bogdevich at Sverdlovsk District Court on 27 March, at which the first full hearing was scheduled for 25 April, according to the court website.

Law enforcement agents confiscated the books during a search of Rekst's flat in March 2016. FSB-appointed "experts", who also examined surveillance recordings of several Muslims' conversations in Krasnoyarsk over much of 2015, determined that Rekst possessed "some titles in a quantity greater than necessary for personal use, which indicates the possibility of spreading the ideas of

the teachings of Said Nursi" (see F18News 1 February 2017 http://www.forum18.org/archive.php?article_id=2251).

Both Rekst and Dedkov appear on the Rosfinmonitoring list of "terrorists and extremists".

Blagoveshchensk trial continues

The trial of Yevgeny Lvovich Kim (born 5 October 1974) continues at Blagoveshchensk City Court before Judge Aleksei Salnikov. The next hearings are due on 18 and 19 April.

The most recent hearings, on 28 and 30 March, focused on the questioning of prosecution witnesses, a fellow Muslim who reads Nursi's works told Forum 18 from Blagoveshchensk on 4 April. These witnesses, all Muslims whom the FSB had initially detained alongside Kim, "refused to corroborate the testimonies they had given during the preliminary investigation, explaining that they had not said these things [and] that they had been interrogated in handcuffs".

Both the court and the Amur Region FSB, which conducted the investigation, have repeatedly refused to answer any of Forum 18's questions about the reasons for and progress of the case.

The FSB completed their investigation of Kim and submitted it to Amur Regional Prosecutor's Office on 14 November 2016. The case file, seen by Forum 18, runs to 135 pages, including witness statements, reports of raids and searches, inventories of confiscated materials, and the results of expert analysis of seized religious literature.

According to the formal charges, Kim "systematically organised the carrying out of religious gatherings, united by one theme – the study of the works of Said Nursi, which are the foundation of the ideology of the international religious organisation Nurdzhular, which threatens inter-ethnic and inter-confessional stability in society and the territorial integrity of the state".

Kim is accused of storing teaching materials and religious books in his flat, "some of which are recognised as extremist literature", and of reading and commenting on Nursi's "Risale-i Nur" (Messages of Light) collection at the alleged gatherings, at which he reportedly took on a "leading role".

The case file notes that Kim refused to admit guilt throughout the investigation period, does not recognise the existence of "Nurdzhular", and does not consider himself a member.

Kim has also been charged under Criminal Code Article 282, Part 1 ("actions aimed at the incitement of hatred or enmity, as well as humiliation of a person or group", based on gender, race, nationality, language, origin, attitude to religion, or social group). According to the FSB investigators, "by verbal and non-verbal means .. he exerted a leading, directing, unifying and active effect on the subconsciousness, consciousness, will, and behaviour of people attending the gatherings, with the aim of formulating in them a feeling of hatred and enmity, and also of humiliating the dignity of a person or group of people on grounds of religion and social grouping" and "inculcating a belief in the social and religious superiority of the followers of the teachings of 'Risale-i Nur'".

This additional charge is unusual for a Nursi-related case. Forum 18 knows of only two other individuals who read Nursi's writings who have been taken to court for this alleged offence since the works began to be banned in 2007 – Ilham Islamli was convicted under Criminal Code Article 282, Part 1, alone in August 2010; in September 2011, Rashid Abdulov was convicted under Criminal Code Article 282, Part 2(v), as well as Criminal Code Article 282.2, Part 1 (see F18News 14 October 2011 http://www.forum18.org/archive.php?article_id=1625).

Kim and several friends were detained and interrogated after an armed FSB unit raided Kim's flat on 26 December 2015, during a gathering to celebrate the birthday of the Muslim Prophet Mohammed (see F18News 21 January 2016 http://www.forum18.org/archive.php?article_id=2141). All but Kim were later released.

Kim's friend Anton Pavlovich Starodubtsev (born 4 April 1980) has also been charged under Criminal Code Article 282.2, Part 2, but his whereabouts remain unknown. After their initial detention, Starodubtsev complained of the treatment they received during both arrest and questioning, including threats and attempted blackmail, and has categorically denied any involvement in "extremist" activity (see F18News 11 April 2016 http://www.forum18.org/archive.php?article_id=2166).

Both Kim and Starodubtsev have been added to the Rosfinmonitoring list of "terrorists and extremists".

Novosibirsk investigation extended

The FSB investigation of Imam Komil Olimovich Odilov (born 18 August 1975) and three other Muslims in Novosibirsk has been extended until 2 May, Odilov's lawyer Yuliya Zhemchugova told Forum 18 on 16 March. She expects that the case will then be submitted to the city's October District Court.

The four men will then have been under investigation for seventeen months, Forum 18 notes. During this time, Odilov was held in

pre-trial detention for nine months, before he was released and placed under travel restrictions in early September 2016. Two of his fellow defendants - Uralbek Karaguzinov (born 21 July 1954) and Mirsultan Takhir-ogly Nasirov (born 8 October 1997) – are also under travel restrictions. The whereabouts of the third, Timur Muzafarovich Atadzhanov (born 21 April 1988), remain unknown, and he has been added to the federal wanted list.

Prosecutors have charged Odilov under Criminal Code Article 282.2, Part 1 for the alleged "organisation" of a "Nurdzhular" cell. Karaguzinov, Nasirov, and Atadzhanov have been charged under Criminal Code Article 282.2, Part 2, for alleged "participation" in a "Nurdzhular" cell.

Odilov, Karaguzinov, Nasirov and Atadzhanov were among nine Muslims originally detained by the FSB security service at an Azerbaijani cafe in Novosibirsk on the night of 5 December 2015 (see F18News 29 June 2016 http://www.forum18.org/archive.php?article_id=2193). Most were released the next morning after questioning, but officers searched their homes and confiscated copies of Nursi's books from Odilov's flat, along with his computer and phone.

All four men appear on the Rosfinmonitoring list of "terrorists and extremists".

Why the campaign against Nursi readers?

Nothing in Nursi's writings appears to advocate hatred, violence, or the violation of any human right. Despite this, numerous lower courts across Russia have ruled that various Russian translations of his works (and of some other Islamic and Jehovah's Witness texts) are "extremist", and have had them added to the Justice Ministry's Federal List of Extremist Materials (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=2215).

The grounds for Russia's ongoing nationwide campaign against readers of Nursi's works are obscure, with quite different reasons offered for banning Nursi writings and "Nurdzhular" in different contexts. The primary cause, however, appears to be state opposition to "foreign" spiritual and cultural influence (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=2215).

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". The freedom to criticise any religious or non-religious belief is, however, a central part of the freedom of religion and belief (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=2215).

Sergiyev Posad Jehovah's Witness trial delayed again

The "extremism" trial of Vyacheslav Yuryevich Stepanov (born 20 March 1977) and Andrei Petrovich Sivak (born 28 March 1974) was delayed on 22 March for the seventh time since Judge Lidiya Baranova ordered further expert analysis to be carried out in November 2016. The hearing is now due on 10 April, according to the website of Sergiyev Posad City Court.

Sivak and Stepanov have been charged under Criminal Code Article 282, Part 2, with inciting religious hatred (see F18News 26 January 2017 http://forum18.org/archive.php?article_id=2250).

The two men were originally acquitted of this offence in March 2016, when Judge Yelena Aminova concluded that the religious gatherings they had organised had "an educational, discursive character" and that "views inherent in the religion are evaluated as true and correct, which is an integral important feature of religious discourse". In May 2016, however, Moscow Regional Court overturned Judge Aminova's ruling at the request of prosecutors, and sent the case back for re-examination.

Criminal Code Article 282, Part 2 ("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") when committed a) with violence or the threat of violence; b) by a person using their official position; c) by an organised group (of which Stepanov and Sivak are accused).

If found guilty, Stepanov and Sivak face a fine of up to 600,000 Roubles, up to 5 years' compulsory labour, or up to 6 years' imprisonment. They have already been added to the Rosfinmonitoring list of "terrorists and extremists".

Stavropol atheist's trial ends

On 15 February, a Stavropol magistrate halted the trial of atheist blogger Viktor Krasnov (known on social media as Viktor Kolosov) on the grounds that the two-year limit on criminal prosecution had expired. Krasnov was being tried under Criminal Code Article 148, Part 1 ("Public actions expressing obvious disrespect for society and committed with the intention of insulting the religious feelings of believers").

In January, he had requested that his trial should continue beyond the expiry of the statute of limitations. At what would be his final hearing, however, Krasnov stated that he saw "no point in further court proceedings, since the court is ignoring all the arguments of the defence" and asked "to stop this circus", according to a 15 February post on his VKontakte page. According to the court's written decision, seen by Forum 18, the two-year limit was reached on 1 November 2016.

Prosecutors accused Krasnov of "crimes" committed online on the Vkontakte social network, including stating that "there is no God" and calling the Bible "a collection of Jewish fairy tales". Krasnov also described as "rubbish" a verse in St Paul's first letter to the Corinthians claiming that: "Christ is the head of every man, and the husband is the head of his wife, and God is the head of Christ". Among other comments, Krasnov described attending church at Easter and Christmas as "herd mentality". Allowing people the freedom to criticise any religious or non-religious belief is part of Russia's international freedom of religion and belief obligations (see F18News 3 December 2015 http://www.forum18.org/archive.php?article_id=2128).

A total of 19 hearings took place before Judge Aleksandr Filimonov of Stavropol Magistrate's Court No. 6 over 15 months (including a suspension of proceedings for further "expert analysis" to be carried out). During this time, the "victims" of Krasnov's alleged offence repeatedly failed to appear, and Stavropol's Moscow Patriarchate Diocese failed to send a representative (as requested by Krasnov's lawyer) to establish exactly who was being defended by the state – Krasnov's online interlocutors or all Moscow Patriarchate Russian Orthodox believers (see F18News 1 February 2017 http://www.forum18.org/archive.php?article_id=2251). (END)

For more background see Forum 18's surveys of the general state of freedom of religion and belief in Russia at http://www.forum18.org/Archive.php?article_id=2246, and of the dramatic decline in this freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=2215.

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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