

8 June 2018

RUSSIA: Longest jail term yet for religious meeting

By Victoria Arnold, Forum 18

In the longest known jail term so far for meeting with others for religious study, a Dagestan court sentenced Ilgar Aliyev to eight years' jail plus two years' restrictions for meeting to study Muslim theologian Said Nursi's writings. Similarly, a Krasnoyarsk court fined another Muslim, Aleksei Dedkov, more than six months' average local wages.

A Muslim in Dagestan has received the longest yet known prison term for meeting to read the works of late Turkish theologian Said Nursi. Ilgar Aliyev was sentenced on 28 May to eight years' jail and two following years of restrictions for leading and involving others in the study of Nursi's books. Law enforcement typically interprets this as continuing the activity of the banned extremist organisation "Nurdzhular", which Muslims in Russia deny even exists. At present Aliyev remains in a pre-trial detention centre while his appeal is pending. The previous longest known jail term for such meetings was a four year sentence in November 2017 (see below).

"I consider this terrible - just for reading books", a fellow Muslim who asked to remain unnamed for fear of state reprisals commented to Forum 18 (see below).

Elsewhere, a court in Krasnoyarsk fined another Muslim, Andrei Dedkov, more than six months' average local wages on 7 June for a similar alleged crime (see below).

The trials of four further Muslims accused of involvement in alleged "Nurdzhular" cells are continuing in Krasnoyarsk Region and in Novosibirsk. One of these trials is likely to come to an end later in June, Forum 18 believes (see below).

Typically, such Muslims meet in private homes to study Islam, with one or more expounding on Nursi's works. They also pray, eat, and drink tea together. They do not seek any state permission for such meetings.

The state interprets such meetings as organised activity by an organisation called "Nurdzhular" (derived from the Turkish for "Nursi followers"). "Nurdzhular" was ruled "extremist" and prohibited by the Supreme Court in 2008, despite the fact that Muslims in Russia deny such an association even exists. Many Russian translations of Nursi's books have been banned, despite their not calling for violence or the violation of human rights (see Forum 18's Russia "extremism" religious freedom survey <http://www.forum18.org/archive.php?article_id=2215>).

Subsequently, people who have met to study Nursi's books have been prosecuted under Criminal Code Article 282.2 (Part 1 "Organisation of" 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").

Both Jehovah's Witnesses and Muslims who read Nursi's works could be jailed for up to 10 years under Criminal Code Article 282.2, Part 1, or up to six years under Part 2 (see Forum 18's Russia "extremism" religious freedom survey <http://www.forum18.org/archive.php?article_id=2215>).

Also in Dagestan, Muslim prisoners of conscience Ziyavdin Dapayev and brothers Sukhrab and Artur Kaltuyev were jailed in November 2017 for meeting to study Nursi's works. Dapayev was jailed for four years and the Kaltuyev brothers were jailed for three years each (see F18News 7 December 2017 <http://www.forum18.org/archive.php?article_id=2339>). Elsewhere, in June 2017, Muslim prisoner of conscience Yevgeny Kim was jailed for three years and nine months in Blagoveshchensk for meeting to study Nursi's works (see F18News 23 June 2017 <http://www.forum18.org/archive.php?article_id=2290>).

Jehovah's Witnesses also detained and prosecuted

After multiple armed raids between January and June 2018, at least 30 Jehovah's Witnesses are also now the subject of similar criminal cases in 13 regions across Russia. Like Muslims who read Nursi's works, Jehovah's Witnesses also face prosecution under Criminal Code Article 282.2 ("Organisation of" or "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 F18News 6 June 2018 <http://www.forum18.org/archive.php?article_id=2385>).

Unlike Nursi readers so far, Jehovah's Witnesses are also increasingly prosecuted under Criminal Code Article 282.3 ("Financing of extremist activity"). Offences under this article also incur large fines or prison terms of up to eight years (see F18News 6 June 2018 <http://www.forum18.org/archive.php?article_id=2385>).

The raids and detentions of Jehovah's Witnesses derive directly from the 2017 liquidation of their Administrative Centre as an "extremist organisation", and the consequent nationwide ban on their exercise of freedom of religion and belief (see F18News 18 July 2017 <http://www.forum18.org/archive.php?article_id=2297>). Two Jehovah's Witnesses are already on trial in Oryol and Kabardino-Balkariya for "extremism"-related offences not directly related to the nationwide ban (see F18News 6 June 2018 <http://www.forum18.org/archive.php?article_id=2385>).

Dagestan: 8 years' imprisonment

Judge Magomed Murtazaliyev of Izberbash City Court sentenced Ilgar Vagif-ogly Aliyev (born 16 February 1977) on 28 May to eight years' imprisonment 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 Criminal Code Article 282.2, Part 1.1 ("Inclination, recruitment, or other involvement of a person in the activities of an extremist organisation").

Criminal Code Article 282.2, Part 1.1 was introduced to the Criminal Code in 2014 and the possible punishments are: a fine of 300,000 to 700,000 Roubles or two to four years' annual salary; compulsory labour of two to five years; or a prison sentence of four to eight years (see Forum 18's Russia "extremism" religious freedom survey <http://www.forum18.org/archive.php?article_id=2215>). The first known use of the article against people exercising their freedom of religion and belief was in July 2017 with the prosecution of a Jehovah's Witness woman in Kursk for allegedly trying to "recruit" people to an "extremist organisation" by handing out leaflets in a street (see F18News 25 August 2017 <http://www.forum18.org/archive.php?article_id=2310>).

For Aliyev's alleged offence under Criminal Code Article 282.2, Part 1, he was sentenced to six years' imprisonment with two years' restrictions on freedom. For his alleged offence under Criminal Code Article 282.2, Part 1.1, he received a sentence of four years, plus two years' restrictions on freedom.

Judge Murtazaliyev ruled that these sentences should run partially concurrently, and will therefore form a total of eight years in the prison colony with two years of restrictions. No written verdict is yet available, so it is unclear what restrictions Aliyev may be under after his release. According to the Criminal Code, these may include a prohibition on moving house and travelling outside one's place of residence without permission, a ban on holding particular jobs, and/or a requirement to report regularly to probation authorities.

Forum 18 called Judge Murtazaliyev's office on 8 June and asked why Aliyev had received such a heavy sentence for studying religious literature and why he is considered dangerous. The Judge was not available, and a spokesperson said that he could not answer such questions.

The telephone at the Dagestan Republic Prosecutor's Office press service went unanswered when Forum 18 called on 8 June to ask why Aliyev received such a punishment. On 21 February Forum 18 asked the Prosecutor's Office in writing in what way Aliyev is considered dangerous (see F18News 1 March 2018 <http://www.forum18.org/archive.php?article_id=2358>). No reply has as of today (8 June) yet been received.

Appeal "right up to the European Court of Human Rights"

If the judge's verdict on Aliyev, issued after a relatively brief trial of 11 hearings, comes into force, he will serve his sentence in a general-regime prison colony. Aliyev intends to appeal to the Supreme Court of Dagestan and "right up to the European Court of Human Rights in Strasbourg" if necessary, a fellow Muslim told Forum 18 on 31 May.

While his appeal is pending, Aliyev remains in detention at Investigation Prison No. 2 in Derbent, from which he was brought to court each day of the trial. Conditions there are "fine", Aliyev's lawyer, Magomedrasul Zaripov, and fellow Muslims have told Forum 18: "There are no problems reading the Koran or performing prayers in Dagestan. All food is halal" (see F18News 1 March 2018 <http://www.forum18.org/archive.php?article_id=2358>).

Aliyev does not, however, have access to any literature by Said Nursi, as Russian translations of his works have been ruled "extremist" and banned (see Forum 18's Russia "extremism" religious freedom survey <http://www.forum18.org/archive.php?article_id=2215>).

Despite his conviction, Aliyev's name still does not appear on the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose assets banks are obliged to freeze (see Forum 18's Russia "extremism" religious freedom survey <http://www.forum18.org/archive.php?article_id=2215>).

April 2017 raid, arrest

Law enforcement agents arrested Aliyev in an armed raid on the night of 19-20 April 2017 in the city of Izberbash (see F18News 12 May 2017 <http://www.forum18.org/archive.php?article_id=2279>). Investigators accused Aliyev of holding classes for groups of Muslims in three towns in Dagestan, Izberbash, Makhachkala, and Khasavyurt. At these meetings they allegedly read and discussed religious literature which has been banned as "extremist" - law enforcement interpreted such activity as operating a "Nurdzhular cell", to which Aliyev is also accused of actively recruiting new members.

Aliyev has since been kept in custody as the FSB security service investigation proceeded. Apart from confirming on 30 May 2017 that a criminal investigation of Aliyev was underway, the Dagestan FSB has refused to answer Forum 18's questions about the case.

Aliyev is the first Muslim who reads Nursi's works to be convicted under the increased punishments for "extremism"-related offences introduced in July 2016. The so-called Yarovaya "anti-terrorism" legal changes came into force on 20 July 2016 (see Forum 18's "Extremism" Russia religious freedom survey <http://www.forum18.org/Archive.php?article_id=2215>).

"I consider this terrible - just for reading books"

"I consider this terrible - just for reading books", a fellow Muslim who asked to remain unnamed for fear of state reprisals commented to Forum 18 on 4 June 2018.

Aliyev "loves Russia", his lawyer Magomedrasul Zaripov told Forum 18 shortly after the armed raid in April 2017. "He does not dispute that he read some books, but he denies that he ever worked against Russia" (see F18News 12 May 2017 <http://www.forum18.org/archive.php?article_id=2279>).

Aliyev was the fourth Muslim in Dagestan to be charged with involvement in "Nurdzhular" since the beginning of 2016. The other three - Ziyavdin Dapayev and brothers Sukhrab and Artur Kaltuyev - were jailed on 7 November 2017 under Article 282.2, Part 1 (see F18News 7 December 2017 <http://www.forum18.org/archive.php?article_id=2339>).

Dapayev is now serving four years and the Kaltuyev brothers three years each in a general-regime correctional colony. According to their case file, Aliyev was among those who visited the house in Makhachkala where they allegedly held meetings to discuss Nursi's works. Aliyev was not, however, formally involved in their case.

Krasnoyarsk: fine of six months' average wages

After 24 hearings over 14 months, Andrei Nikolayevich Dedkov (born 16 June 1979) has been fined 250,000 Roubles 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"). He was accused of holding meetings to read and discuss Nursi's works and of allegedly organising a "cell" of "Nurdzhular" in Krasnoyarsk.

Dedkov and Andrei Gennadyevich Rekst (born 14 March 1994 - see below) were initially detained in March 2016, after the FSB security service had carried out surveillance of several Muslims in Krasnoyarsk for much of 2015 (see F18News 29 June 2016 <http://www.forum18.org/archive.php?article_id=2193>)

According to FSB security service documents seen by Forum 18, Dedkov was accused of holding study groups at various addresses in Krasnoyarsk between 25 May 2015 and 10 March 2016. At these meetings, participants allegedly read and discussed prohibited texts from Nursi's "Risale-i Nur" (Messages of Light) collection. These activities were allegedly aimed at "the formulation .. of a positive attitude to death, combined with a willingness to sacrifice oneself in the interests of the teachings" and promoted "propaganda of the superiority and inferiority of citizens according to religion".

The phrases used by the FSB appear to be standard accusations in such cases, with little or no evidence normally being presented. Nothing in Nursi's writings appears to advocate hatred, violence, or the violation of any human right. The grounds for Russia's ongoing nationwide campaign against people who read and share his works are obscure, with quite different reasons offered for banning texts and "Nurdzhular" in different contexts. 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 Russia "extremism" religious freedom survey <http://www.forum18.org/archive.php?article_id=2215>).

Both Dedkov and Rekst have been put on the Rosfinmonitoring "List of Terrorists and Extremists", whose assets banks are obliged to freeze (see Forum 18's Russia "extremism" religious freedom survey <http://www.forum18.org/archive.php?article_id=2215>).

Although prosecutors had requested that Dedkov be given five years in prison, Judge Sergei Tupeko of the city's Soviet District Court decided on the fine on 7 June. A fine of 250,000 Roubles (about 32,200 Norwegian Kroner, 3,400 Euros or 4,000 US Dollars) represents more than six months' average local wages.

Because Dedkov's alleged offence took place before the July 2016 increase in punishments for "extremism"-related offences, he faced the previous possible punishments for breaking Criminal Code Article 282.2 Part 1 of fines of 300,000 to 500,000 Roubles, compulsory labour of up to five years, or imprisonment for up to six years (see Forum 18's "Extremism" Russia religious freedom survey <http://www.forum18.org/Archive.php?article_id=2215>). It is unclear why Dedkov was fined an amount below the minimum fine.

"I think that the Prosecutor's Office will undoubtedly appeal against the decision," a fellow Muslim told Forum 18 on 7 June.

Anna Sheludko, a spokesperson for Soviet District Court, told Forum 18 on 8 June that none of the court staff had the right to discuss the reasons for the judge's decision or the intentions of the Prosecutor's Office. Telephones went unanswered at Krasnoyarsk Regional Prosecutor's Office on 8 June when Forum 18 called to ask about the case. Forum 18 also wrote to the prosecutor's press office before the start of the Krasnoyarsk working day on 8 June, but has received no reply.

Earlier prosecutions

Dedkov was first prosecuted for reading Nursi's works in 2010, but the case against him and three fellow Muslims - Aleksei Gerasimov, Yevgeny Petry and Fizuli Askarov - ran out of time in February 2012 (see F18News 5 March 2012 <http://www.forum18.org/archive.php?article_id=1675>).

Dedkov then faced identical charges in 2014-5. He was convicted alongside Aleksei Kuzmenko on 18 December 2015 at Soviet District Court (see F18News 21 January 2016 <http://www.forum18.org/archive.php?article_id=2141>). They were fined 150,000 Roubles and 100,000 Roubles respectively.

On 26 January 2016 Krasnoyarsk Regional Court upheld Dedkov and Kuzmenko's convictions, but waived their fines as the two-year statute of limitations had expired by the time their appeal was heard (see F18News 11 April 2016 <http://www.forum18.org/archive.php?article_id=2166>).

Krasnoyarsk: ongoing trials

Andrei Gennadyevich Rekst (born 14 March 1994) was, like Dedkov, initially detained in March 2016, after the FSB security service had carried out surveillance of several Muslims in Krasnoyarsk for much of 2015 (see F18News 29 June 2016 <http://www.forum18.org/archive.php?article_id=2193>).

Rekst was charged 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").

Rekst has been on trial since May 2017, the month after Dedkov (see F18News 12 May 2017 <http://www.forum18.org/archive.php?article_id=2279>). He is still on trial at Krasnoyarsk's Sverdlovsk District Court and is free on bail. He has so far undergone 22 hearings over 13 months before Judge Radomir Larionov. His next appearance is due on 15 June, according to the court website.

Sabirzhon Shamsidinovich Kabirzoda (born 4 May 1991) and Yevgeny Igoryevich Sukharev (born 9 April 1990) are also on trial 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") (see F18News 27 April 2018 <http://www.forum18.org/archive.php?article_id=2373>).

The two men are friends of Dedkov and Rekst, but were charged much later, although Kabirzoda had been a suspect in Dedkov and Rekst's case since December 2016.

Kabirzoda has so far made 16 appearances before Judge Marina Shtruba at Krasnoyarsk's Soviet District Court. His next hearing is due on 18 June, according to the court website. He is not in detention or under house arrest and does not appear to be under travel restrictions, a fellow Muslim told Forum 18.

Sukharev's trial began on 20 April before Judge Inga Gavritskaya at Sharypovo City Court in Krasnoyarsk Region (see F18News 27 April 2018 <http://www.forum18.org/archive.php?article_id=2373>). According to the court website, his next hearing is due on 13 June. Prosecutors have placed Sukharev under travel restrictions.

Like Rekest and Dedkov, Kabirzoda has also been put on the Rosfinmonitoring "List of Terrorists and Extremists", whose assets banks are obliged to freeze (see Forum 18's Russia "extremism" religious freedom survey <http://www.forum18.org/archive.php?article_id=2215>). However, Sukharev is not on the List.

Novosibirsk: verdict soon

The trial of Imam Komil Odilovich Odilov (born 18 August 1975) at Novosibirsk's October District Court is likely to end soon, according to his lawyer Yuliya Zhemchugova.

The defence and prosecution have made their final speeches, Zhemchugova told Forum 18 on 2 June, and prosecutors have requested a sentence of five years' imprisonment. On 15 June, Odilov himself will have his final chance to speak, and Judge Yevgeny Zakharov is expected to deliver his verdict.

Odilov was kept in custody for nine months after his initial detention in December 2015, but was then allowed home under travel restrictions.

Prosecutors charged Odilov 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"). Like Aliyev and Dedkov, he is alleged to have organised a "cell" of "Nurdzhular" in Novosibirsk. He denies the charges and insists that the alleged organisation does not exist and that he has never engaged in "extremist" activity (see F18News 1 March 2018 <http://www.forum18.org/archive.php?article_id=2358>)

Odilov was among nine people detained by the FSB at an Azerbaijani cafe in Novosibirsk in December 2015 (see F18News 21 January 2016 <http://www.forum18.org/archive.php?article_id=2141>). Most were released the next day after interrogation and searches of their homes, but Odilov was kept in custody for nine months before being allowed home under travel restrictions in September 2016 (see F18News 1 February 2017 <http://www.forum18.org/archive.php?article_id=2251>).

Since January 2016, Odilov has been on the Rosfinmonitoring "List of Terrorists and Extremists", whose assets banks are obliged to freeze (see Forum 18's "extremism" Russia religious freedom survey <http://www.forum18.org/Archive.php?article_id=2215>).

Odilov's is the only one among six related prosecutions to have come to trial so far. The Novosibirsk FSB, which was responsible for the investigation, has repeatedly refused to answer Forum 18's questions about the case (see eg F18News 1 March 2018 <http://www.forum18.org/archive.php?article_id=2358>).

Prosecutors closed the criminal cases against three of Odilov's fellow suspects in circumstances that Muslims think may have negative consequences for Odilov's case. It is thought that prosecutors will use guilty pleas of two of the suspects to "prove" the existence of "Nurdzhular" in related cases (see F18News 27 April 2018 <http://www.forum18.org/archive.php?article_id=2373>).

The FSB security service is also continuing to investigate cases against Imam Ilhom Zavkidinovich Merazhov and Timur Muzafarovich Atadzhanov, despite Merazhov being abroad and Atadzhanov's whereabouts being unknown (see F18News 27 April 2018 <http://www.forum18.org/archive.php?article_id=2373>).

Odilov, Merazhov, and Atadzhanov all appear on the Rosfinmonitoring "List of Terrorists and Extremists", whose assets banks are obliged to freeze (see Forum 18's Russia "extremism" religious freedom survey <http://www.forum18.org/archive.php?article_id=2215>). (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>.

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

Twitter: @Forum_18

Follow us on Facebook: @Forum18NewsService

All Forum 18 material may be referred to, quoted from, or republished in full, if Forum 18 <www.forum18.org> is credited as the source.

Å© Forum 18 News Service. All rights reserved. ISSN 1504-2855.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
RodelÅ, kka
N-0502 Oslo
NORWAY