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The right to join together and express one's belief

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RUSSIA: Muslims, Jehovah's Witnesses arrested, Muslims convicted

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

A Krasnoyarsk court fined 24-year-old Andrei Rekst three months' average wages for studying theologian Said Nursi's writings with fellow Muslims. Another Krasnoyarsk Muslim awaits possible trial under house arrest, unable to attend mosque. Six prisoners of conscience are in labour camp for studying Nursi's works.

Another of the five Muslims from the Siberian region of Krasnoyarsk to have been prosecuted in the last two years for meeting with others to study the works of the late Turkish Muslim theologian Said Nursi has now been convicted. A Krasnoyarsk court heavily fined 24-year-old Andrei Rekst on 1 October.

State agencies claim such study constitutes involvement in "Nurdzhular", a banned organisation which Muslims in Russia deny has ever existed (see below).

Another Muslim, 30-year-old Denis Zhukov was arrested on a train as he returned to Krasnoyarsk in August. He too faces criminal prosecution for meeting with other Muslims to study Nursi's works. His conditions of house arrest do not allow him to attend a mosque (see below).

Since June, courts have not jailed Muslims who study Nursi's works, despite prosecutors calling for imprisonment. Those convicted have been heavily fined, however, with courts handing down fines often equivalent to several months' average wages. Courts have also imposed suspended sentences with a wide range of restrictions, which may include travel bans and deprivation of the right to vote (see below).

On 2 October, prosecutors lost an appeal against a fine equivalent to six months' average wages imposed on Andrei Dedkov for alleged involvement in "Nurdzhular". Prosecutors had wanted Dedkov to be jailed for five years, not fined (see below).

Armed raids on the homes of Jehovah's Witnesses also remain frequent. As of 25 October, 79 Jehovah's Witnesses are under criminal investigation. Of these, 22 are in pre-trial detention, 17 under house arrest, and 30 under travel restrictions (see below).

Bans, jailing of prisoners of conscience

Muslims who read Nursi's works meet in homes to study Islam without seeking state permission, with one or more talking about the theologian's writings. They also pray, eat, and drink tea together. The Russian authorities interpret such meetings as organised activity by "Nurdzhular", aimed at inciting hatred in society and undermining the constitutional order.

"Nurdzhular" (a Russification of the Turkish for "Nursi followers") was banned as allegedly "extremist" in 2009. Muslims in Russia deny that this group has ever existed. Many Russian translations of Nursi's books have been banned as allegedly "extremist", despite their not calling for the violation of human rights (see Forum 18's Russia "extremism" religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Between June 2017 and July 2018, six Muslim men were jailed for periods of between two and eight years for meeting together to study Nursi's works. All were convicted 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").

The prisoners of conscience jailed in labour camps ("correctional colonies") are:

1) Yevgeny Lvovich Kim, jailed by a Blagoveshchensk court for three years and nine months in June 2017 (see F18News 23 June 2017 http://www.forum18.org/archive.php?article_id=2290);

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2, 3, 4) Ziyavdin Badirsoltanovich Dapayev, jailed for four years, and brothers Sukhrab Abdulgamidovich Kaltuyev and Artur Abdulgamidovich Kaltuyev, jailed for three years each, by a Makhachkala court in November 2017 (see F18News 7 December 2017 http://www.forum18.org/archive.php?article_id=2339);

5) Ilgar Vagif-ogly Aliyev, jailed by Izberbash court for eight years in June 2018 (see F18News 8 June 2018 http://www.forum18.org/archive.php?article_id=2386);

6) Imam Komil Olimovich Odilov, jailed by a Novosibirsk court for two years in June 2018 (see F18News 2 July 2018 http://www.forum18.org/archive.php?article_id=2391).

All six prisoners of conscience are also on the Rosfinmonitoring "List of Terrorists and Extremists", whose assets banks are obliged to freeze (although small transactions are permitted) (see Forum 18's Russia "extremism" religious freedom survey http://www.forum18.org/archive.php?article_id=2215). Aliyev's name was added on 30 August 2018, a month after his unsuccessful appeal against his conviction.

On 28 August 2018, the European Court of Human Rights (ECtHR) in Strasbourg found (Application nos. 1413/08 and 28621/11) that Russian bans on Nursi's works violated Article 10 ("Freedom of expression") of the European Convention on Human Rights and Fundamental Freedoms (see http://hudoc.echr.coe.int/eng?i=001-185293). All ECtHR judgments require states to take steps to prevent similar violations from happening, for example by changing laws and state practices. This process is supervised by the Committee of Ministers of the Council of Europe.

Jehovah's Witnesses also prosecuted

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").

Unlike Nursi readers, some Jehovah's Witnesses are also being 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.

The Investigative Committee, the FSB security service, the Interior Ministry's Centre for Countering Extremism, and other state bodies (including the Investigative Department of the Northern Fleet's Polyarny Flotilla) are known to have carried out armed raids on homes in 24 Russian regions between January and October 2018 (see eg. F18News 23 April 2018 http://www.forum18.org/archive.php?article_id=2372).

By 13 September 2018, 69 Jehovah's Witnesses were facing criminal investigations. Of these, 25 were in pre-trial detention, 9 under house arrest, and 30 under travel restrictions (see F18News 13 September 2018 http://www.forum18.org/archive.php?article_id=2412).

By 25 October, the number of Jehovah's Witnesses under criminal investigation had risen to 79. Of these, 22 are in pre-trial detention, 17 under house arrest, and 30 under travel restrictions, according to Jehovah's Witnesses. One woman is under lesser restrictions such as not being allowed out at night, or to use the internet and telephone. Restrictions placed on a further five people are as yet unknown, and four individuals are thought to be under no restrictions at all.

These raids and prosecutions derive directly from the 2017 nationwide ban on the Jehovah's Witnesses as allegedly "extremist" (see F18News 18 July 2017 http://www.forum18.org/archive.php?article_id=2297). It is unknown when any of those detained in the recent raids will appear in court.

Three Jehovah's Witnesses are already on trial in Prokhladny and Maysky (both in Kabardino-Balkariya) and Oryol for alleged extremism-related offences not directly related to the nationwide ban.

As well as raids, detentions and criminal prosecutions, Jehovah's Witnesses also face the loss of property and other problems (see F18News 19 December 2017 http://www.forum18.org/archive.php?article_id=2344). Young Jehovah's Witness men have been denied their right to perform alternative civilian service rather than military service, and Jehovah's Witness employees have been fired or forced to resign from their jobs (see F18News 18 July 2017 http://www.forum18.org/archive.php?article_id=2297). The children of Jehovah's Witnesses have also faced threats and bullying by the authorities (see F18News 26 May 2017 http://www.forum18.org/archive.php?article_id=2282).

Krasnoyarsk: New prosecution

The Central District department of Krasnoyarsk Region Investigative Committee charged Denis Vladimirovich Zhukov (born 22 February 1988) on 31 August 2018 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

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activity in connection with the carrying out of extremist activity").

Zhukov is accused of participating in alleged "Nurdzhular" gatherings in Krasnoyarsk on 23 October 2015 and 4 November 2015, according to the indictment, seen by Forum 18. At these meetings, he "conducted training of attendees of the gathering in the form of reading banned literature from the Risale-i Nur collection of writings, and also explaining the essence of what was read".

Zhukov is an ethnic Russian convert to Islam, a fellow Muslim who is following the case told Forum 18 on 10 October. Zhukov was friendly with other Krasnoyarsk residents who have recently been prosecuted for alleged involvement in "Nurdzhular". These included Andrei Dedkov, Andrei Rekst, Sabirzhon Kabirzoda, and Yevgeny Sukharev.

Zhukov was earlier called as a witness in the first criminal case against Dedkov (which was closed in 2012 after the time limit for prosecution expired – see F18News 5 March 2012 http://www.forum18.org/archive.php?article_id=1675) and in the first criminal case against Novosibirsk imams Komil Odilov and Ilkhom Merazhov in 2013 (see F18News 18 June 2013 http://www.forum18.org/archive.php?article_id=1848).

FSB security service agents arrested Zhukov on 23 August 2018 aboard a Moscow-Krasnoyarsk train, a few hours before it was due to arrive at its destination. "Armed officers broke into his compartment and put him in handcuffs, then took him to FSB headquarters in Krasnoyarsk," a fellow Muslim told Forum 18 on 17 October. Investigators had been alerted when Zhukov used his passport to buy the train ticket. He had gone abroad shortly after his alleged offence and had only recently returned to Russia.

After nearly 20 hours in temporary detention, Zhukov (at this point still considered a suspect) was placed under house arrest on 24 August 2018 by order of Krasnoyarsk's Central District Court. Judge Igor Belokopytov ruled that this initial period of house arrest should last until 22 October. On that date, the court extended his term for another two months, until 22 December 2018.

Investigators requested house arrest because they believed Zhukov would otherwise try to influence witnesses, according to the court orders, seen by Forum 18. They also claimed that, because he had spent a long time in Turkey after committing his alleged crime, they feared that if allowed to go free he would go on the run, possibly abroad again.

Krasnoyarsk Region Investigative Committee refused to discuss the case with Forum 18 on 25 October, stating that all questions must be put in writing. Forum 18 had already done this on 17 October, asking why Zhukov was considered so dangerous that he had to be placed under house arrest, and to ask when and where his case was likely to come to trial. Forum 18 has received no reply by the end of the Krasnoyarsk working day of 25 October.

Judge Belokopytov agreed with the investigators' claim and imposed the house arrest they requested. He stated that Zhukov is suspected of a serious offence "against the basis of constitutional order and state security", carrying a potential punishment of more than three years' imprisonment. However, the Judge did not mention that state security is not a permissible reason to restrict freedom of religion and belief under Russia's binding international legal obligations.

The telephone went unanswered when Forum 18 called Judge Belokopytov's office at Central District Court on 24 and 25 October to ask why he had placed Zhukov under house arrest. Forum 18 had also already written to the court with this question on 19 October, but has received no reply.

Under house arrest, Zhukov cannot leave his home except to participate in the legal process or to receive medical treatment, cannot communicate with anybody except close relatives, medical staff, lawyers, or investigators, cannot send or receive post, and cannot use the telephone or the internet. He is not even allowed out for a walk, a fellow Muslim who is following the case told Forum 18 on 12 October, and is only permitted visits from his mother and from a friend who owns the flat in which Zhukov lives. These restrictions would also prevent him from attending prayers in a mosque.

Zhukov's name does not appear on the Rosfinmonitoring "List of Terrorists and Extremists" whose assets banks are obliged to freeze apart from for small transactions (see Forum 18's Russia "extremism" religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

It is not yet known when or where Zhukov's case will next come to court.

Krasnoyarsk: Fine and criminal record

Krasnoyarsk's Sverdlovsk District Court convicted Andrei Gennadyevich Rekst (born 14 March 1994) on 1 October 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 had made a total of 28 appearances before Judge Radomir Larionov over 17 months, during which he remained free on bail. The court fined him 125,000 Roubles (about three months' average local wages).

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Prosecutors had asked for a four-year suspended sentence, according to a fellow Muslim who has been following proceedings. Judge Larionov instead decided on the fine, which amounts to less than half the minimum financial penalty stipulated under Article 282.2, Part 2 at the time Rekst committed his alleged crime.

Rekst does not intend to appeal against his sentence. It is unknown whether the prosecution will challenge the ruling.

Forum 18 wrote to Sverdlovsk District Court on 19 October, asking why the judge had imposed a lesser sentence and whether the prosecutor's office would appeal. The court replied on 25 October, refusing to comment on Judge Larionov's decision and insisted that information about any prosecution appeal would appear on the court website in due course.

The FSB security service initially detained Rekst in March 2016 alongside Andrei Dedkov. It had kept them and several other Krasnoyarsk Muslims under surveillance for much of the previous year. FSB-appointed "experts" claimed that covert audio recordings of their conversations "revealed signs of an international religious association in the city of Krasnoyarsk, [and] the presence of an organisational structure". A conversation Rekst had with a friend about a planned trip to Turkey was taken as evidence that he was recruiting the friend to "Nurdzhular" (see F18News 1 February 2017 http://www.forum18.org/archive.php?article_id=2251).

Much of the literature confiscated from Rekst was not on the Justice Ministry's Federal List of Extremist Materials. Prosecutors therefore sought to have four more Russian-language editions of books by Said Nursi banned as "extremist". Judge Natalya Bogdevich of Sverdlovsk District Court upheld the prosecutors' suit on 28 March 2018 (see F18News 27 April 2018 http://www.forum18.org/archive.php?article_id=2373).

Turkish publisher Sözler, which distributed the books in Russia, appealed against the ban, but Krasnoyarsk Regional Court rejected this on 25 June. The Justice Ministry added the four titles to the Federal List on 7 August.

As of 25 October, Rekst's name is still on the Rosfinmonitoring "List of Terrorists and Extremists" whose assets banks are obliged to freeze apart from for small transactions (see Forum 18's Russia "extremism" religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Krasnoyarsk: Prosecution appeal fails

On 2 October 2018, Judge Tatyana Kurlovich of Krasnoyarsk Regional Court rejected the prosecution's appeal against the fine imposed on Andrei Nikolayevich Dedkov (born 16 June 1979) for alleged involvement in "Nurdzhular". Prosecutors had wanted Dedkov to be jailed for five years.

Krasnoyarsk's Soviet District Court fined Dedkov 250,000 Roubles (more than six months' average local wages) on 7 June 2018 for allegedly leading the "Nurdzhular cell" in which Andrei Rekst and other Krasnoyarsk Muslims were allegedly involved. The court convicted him 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") (see F18News 8 June 2018 http://www.forum18.org/archive.php?article_id=2386).

Dedkov himself did not challenge his conviction.

The prosecution lodged its appeal against the fine for its "excessive leniency", Regional Deputy Prosecutor Sergei Karapetyan told Forum 18 on 18 June. Had it been successful, Dedkov would have faced a re-trial.

Dedkov's name appears to have been removed from the Rosfinmonitoring "List of Terrorists and Extremists" at some point between 29 July and 4 August 2018. He had been on it since 2 April 2014, his name having been added during a previous investigation.

Krasnoyarsk: No appeal against two-year suspended sentence

Neither defence nor prosecution has appealed in the case of Sabirzhon Shamsidinovich Kabirzoda (born 4 May 1991), another Krasnoyarsk Muslim who received a two-year suspended sentence on 14 August 2018.

Krasnoyarsk's Soviet District Court convicted Kabirzoda of alleged involvement in "Nurdzhular" 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"). Prosecutors had sought a term of 3 years and 6 months' imprisonment (see F18News 21 August 2018 http://www.forum18.org/archive.php?article_id=2406).

It is unknown what restrictions Kabirzoda may be under during the period of his sentence. According to Article 73 of the Criminal Code, a convict with a suspended sentence may be subject to a curfew, may be obliged to inform the probation service of any change

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in his/her place of residence or work, may be barred from visiting particular locations or travelling abroad, may be deprived of the right to vote, and cannot stand for election. If any of these terms are breached, the probation period may be extended. If the person is convicted of another crime, he/she will be imprisoned.

As of 25 October, Kabirzoda's name remains on the Rosfinmonitoring "List of Terrorists and Extremists" whose assets banks are obliged to freeze apart from for small transactions (see Forum 18's Russia "extremism" religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Krasnoyarsk: Another trial continues

One other Krasnoyarsk Muslim remains on trial in the region for alleged involvement in "Nurdzhular". Yevgeny Igoryevich Sukharev (born 9 April 1990) has so far appeared 14 times before Judge Inna Gavritskaya at Sharypovo City Court, most recently on 17 October. His next hearing is due on 8 November.

Sukharev's name has not been added to the Rosfinmonitoring "List of Terrorists and Extremists". (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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