

22 May 2019

RUSSIA: Imprisonment completed, citizenship stripped, awaiting deportation

By Victoria Arnold, Forum 18

The lawyer for Yevgeny Kim, stripped of Russian citizenship and left stateless on completing his nearly four-year jail term for meeting with other Muslims to study Said Nursi's works, says this is the first such case he knows of. Kim was fined and is awaiting deportation to Uzbekistan.

In what appears to be a first, an individual jailed under harsh anti-"extremism" laws for exercising the right to freedom of religion or belief has been deprived of his Russian citizenship. Yevgeny Kim was by being deprived of his Russian citizenship left stateless, and – on the day he completed his nearly four-year prison term – was fined and ordered deported to his country of birth.

Asked why Kim's only citizenship was stripped from him, an Interior Ministry official in Khabarovsk told Forum 18: "His imprisonment may have had an impact on the decision". Officials refused to tell Forum 18 who had initiated the decision to strip Kim of Russian citizenship. Asked what would happen if he does not want to go to Uzbekistan (<http://www.forum18.org/archive.php?country=33>) or if Uzbekistan refuses to take him, one official would say only that "It is a court decision" (see below).

Kim was on 19 June 2017 convicted of "organising extremist activity" by meeting with other Muslims to study the works of the late Turkish Muslim theologian Said Nursi. He was jailed for three years and nine months in a labour camp ("correctional colony"). This was reduced (at the rate of one day in detention to one and a half days' imprisonment) by the length of time he had already spent in detention before and during the trial, and during an unsuccessful appeal (http://www.forum18.org/archive.php?article_id=2290). The trial judge made no mention at sentencing of the possibility of deportation upon Kim's completion of his labour camp term, which ended on 10 April 2019.

Officials took Kim to court immediately upon his release from his labour camp. A judge found him guilty of violating the residence requirements of the Russian Federation by not having all the correct documents. Kim did not have all the documents because officials had confiscated his Russian passport the previous day (see below).

Kim is in a foreigners' detention centre in Khabarovsk in the Russian Far East awaiting deportation to Uzbekistan (<http://www.forum18.org/archive.php?country=33>) (see below).

"From the very beginning it was all completely illegal," a fellow Muslim commented to Forum 18 on 21 May. Kim was tortured in pre-trial detention from December 2015, but against Russia's legally binding international obligations, no arrests or prosecutions of the officials who tortured Kim, or those who facilitated the torture, are yet known to have happened (see below).

Kim's lawyer told Forum 18 this is the first time he has heard that officials have stripped a convicted Nursi reader of Russian citizenship (see below).

Russia is not party to a United Nations convention, and has not ratified a Council of Europe convention, which both prohibit stripping an individual of their only citizenship (see below).

Among other Muslims prosecuted for meeting with others to read Nursi's works, in February 2019 a court in Krasnoyarsk Region sent back the criminal case against Nursi reader Yevgeny Sukharev for further investigation. It remains unknown when this will be resubmitted (see below).

Investigators issued a fresh criminal indictment on 20 May 2019 against a Nursi reader in Krasnoyarsk, Denis Zhukov. No trial date has yet been set (see below).

Another Muslim who met with others to read Nursi's works, Komil Odilov, was released in March 2019 after serving nine months of his two-year labour camp sentence. He will spend the eight years to 2027 under restricted freedom, which among other restrictions

means that he is not allowed outside his own home between the hours of 10 PM at night and 6 AM in the morning (see below).

Tortured in pre-trial detention, no arrests or prosecutions of torturers

Kim was held in pre-trial detention from December 2015 in Blagoveshchensk's Investigation Prison No. 1. While there, he was tortured, had his ribs broken, and suffered attempted rape. "Thank God, they did not succeed", a fellow Muslim who wished to remain anonymous told Forum 18 on 31 October 2017 (http://www.forum18.org/archive.php?article_id=2332).

Immediately after Kim's December 2015 detention, "they put him in the so-called 'press hut', a special room where the necessary testimonies are beaten out [of inmates] by other detainees who are colluding with the prison administration", the Muslim stated. "They beat Kim very badly, so badly that they themselves were frightened – apparently the perpetrators overdid it. Naturally, he was not taken to hospital, because there everything would have been recorded. After this, he was not beaten so badly again, and was generally only threatened." (http://www.forum18.org/archive.php?article_id=2332)

Against Russia's legally binding international obligations under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (http://www.forum18.org/archive.php?article_id=2332), no arrests or prosecutions of the officials who tortured Muslim prisoner of conscience Kim, or those who facilitated the torture, are yet known to have happened. Similarly, no arrests or prosecutions of officials who tortured seven Jehovah's Witnesses in Surgut in February 2019 (http://www.forum18.org/archive.php?article_id=2480) are known to have happened.

Other Muslim prisoners of conscience

Four Muslim prisoners of conscience who read Nursi's works with other Muslims are currently jailed in labour camps:

1, 2, 3) 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 (http://www.forum18.org/archive.php?article_id=2339);

4) Ilgar Vagif-ogly Aliyev, jailed by Izberbash court for eight years in June 2018 (http://www.forum18.org/archive.php?article_id=2386). This is the longest known jail term for such an alleged crime;

All these 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). (http://www.forum18.org/archive.php?article_id=2215)

Russian citizen stripped of passport, ordered deported

Blagoveshchensk Muslim Yevgeny Lvovich Kim (born 5 October 1974) has completed his sentence for "organising extremist activity" under Criminal Code Article 282.2, Part 1 and Article 282, Part 1 ("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"), but has been deprived of his Russian citizenship, rendering him stateless, and ordered deported to Uzbekistan (<http://www.forum18.org/archive.php?country=33>).

Kim is currently being held in a foreigners' detention centre in Khabarovsk. Conditions for him there are "excellent", an official of the detention centre claimed to Forum 18 on 22 May. "He has his own Koran, and can fast and pray."

Kim was born in Uzbekistan (<http://www.forum18.org/archive.php?country=33>) when it was part of the Soviet Union, but appears to have lived most of his adult life in Russia. He previously held a Soviet passport, his lawyer Sergei Sychyov told Forum 18 on 22 May. It is unknown when he will be expelled from the country, Sychyov added.

This appears to be the first time a Muslim convicted of reading Nursi's works has been stripped of Russian citizenship. Lawyer Sychyov remarked to Forum 18 that this is the first case in his experience.

Several other Russian Muslims who have been investigated or jailed for reading Nursi's works with other Muslims were also born in the Soviet Union outside the borders of the present-day Russian Federation. Among the present-day former Soviet countries these Russian Muslims were born in are Uzbekistan (<http://www.forum18.org/archive.php?country=33>), Tajikistan (<http://www.forum18.org/archive.php?country=31>), Azerbaijan (<http://www.forum18.org/archive.php?country=23>), and Kazakhstan (<http://www.forum18.org/archive.php?country=29>). It is as yet unknown whether any of these Russian Muslims may be similarly punished by being also made stateless.

Kim was released on 10 April 2019 from Labour Camp No. 3 in Khabarovsk, where he had been imprisoned since August 2017. According to written court decisions, an inspector from the Railway District Department for Migration Issues (part of the Khabarovsk branch of the Interior Ministry) checked his documents on the morning of his release and found that he lacked the necessary documentation proving his right to be in Russia – officials had in fact seized his Russian passport on 9 April.

Kim appeared at Railway District Court on 10 April on charges of violating, as a stateless person, the residence regime of the Russian Federation, by failing to have or obtain such documents (Administrative Code Article 18.8, Part 1.1). Judge Natalya Taranushchenko found him guilty and sentenced him to deportation and a 3,000 Rouble fine. She also ordered that he be held in a migration detention centre until he could be removed from the country.

Kim appealed unsuccessfully against this ruling on 30 April 2019 at Khabarovsk Regional Court, according to the decision seen by Forum 18.

According to court documents, Kim received his Russian citizenship from the Sverdlovsk Region branch of the Interior Ministry in December 2005, gaining his passport in January 2006. As the authority which initially granted him citizenship, the Sverdlovsk Interior Ministry was therefore also responsible for revoking it. It did this on 29 January 2019, on the basis of a decision by the head of its Department for Migration Issues, Colonel Olga Petrova.

Forum 18 has been unable to establish who initiated the process of stripping Kim of his passport and expelling him from the country. The wording of the court verdicts suggests, however, that this additional punishment is directly related to his conviction for organising alleged "Nurdzhular" activity in Blagoveshchensk.

In the 30 April appeal verdict, Judge Yury Starkov cites the 2002 Citizenship Law's provision for annulling the decision to grant Kim citizenship on grounds of its having been taken on the basis of false information. The Judge highlighted the Citizenship Law's Article 22, Part 2, which states that the commission of a crime under Criminal Code Article 282.2 (as well as several other crimes) should be taken as equivalent to the communication of knowingly false information "regarding the obligation to comply with the Constitution of the Russian Federation and the legislation of the Russian Federation".

This implies that Kim is assumed to have had criminal intent when he applied for Russian citizenship in December 2005, despite the fact that "Nurdzhular" was not prohibited as an "extremist organisation" until April 2008, and Nursi's books did not even start to be banned in Russia until May 2007.

"His imprisonment may have had an impact on the decision"

Forum 18 called the Sverdlovsk Region branch of the Interior Ministry in Yekaterinburg on 22 May to ask why it had annulled Kim's Russian citizenship. A spokesperson for the Department for Migration Issues said that Colonel Olga Petrova was out of the office, and that in any case, all questions should be submitted in writing.

When Forum 18 telephoned the Department for Citizenship Issues there, Major Alyona Tretyakova said that she could not discuss an individual's personal details. She refused to discuss in general how citizenship could be annulled when such an action would leave a person stateless. She told Forum 18 to refer all questions to the press office. Telephones at the press office went unanswered when Forum 18 called on 22 May.

When Forum 18 asked the same questions of the Interior Ministry's Railway District Department of Migration Issues in Khabarovsk, an official replied that she could not explain why Kim's citizenship had been taken from him. "His imprisonment may have had an impact on the decision. I can't say who removed his citizenship. Our inspector informed him of the decision."

The official confirmed that Kim will be deported to Uzbekistan (<http://www.forum18.org/archive.php?country=33>). Asked what would happen if he does not want to go to Uzbekistan or if Uzbekistan refuses to take him, she would say only that "It is a court decision". The official referred all other questions to the Interior Ministry's Department of Citizenship Issues in Khabarovsk, but Forum 18 was unable to reach anyone there.

Kim was 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 Criminal Code Article 282, Part 1 ("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") by Blagoveshchensk City Court on 19 June 2017 (http://www.forum18.org/archive.php?article_id=2290) (upheld on appeal on 24 August 2017). He was jailed for three years and nine months in a labour camp, reduced (at the rate of one day in detention to one and a half days' imprisonment) by the length of time he had already spent in detention before and during the trial and appeal.

The judge made no mention at sentencing of the possibility of deportation upon Kim's completion of his term.

Another Muslim who followed Kim's case told Forum 18 at the time that witnesses questioned in court "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". Kim himself refused to admit any guilt throughout the investigation, did not recognise the existence of "Nurdzhular", and did not consider himself a member.

The second offence of which Kim was convicted – incitement of hatred – has since been partially decriminalised, Forum 18 notes. (http://www.forum18.org/archive.php?article_id=2453)

Kim remains on the Rosfinmonitoring "List of Terrorists and Extremists", whose assets banks are obliged to freeze (although small transactions are permitted).

International conventions

In stripping Kim of his citizenship, and thereby leaving him stateless, Russia has failed to comply with two international Conventions aimed at preventing statelessness.

The 1961 United Nations Convention on the Reduction of Statelessness prohibits the stripping of citizenship from an individual if it would render them stateless, except in narrowly-defined circumstances. "A Contracting State shall not deprive a person of its nationality if such deprivation would render him stateless," Article 8, Part 1 declares. The only, narrowly-defined exceptions are in cases where the individual does not reside within the state or when an individual shows loyalty to another state. In such cases an individual has the right to a "fair hearing" to challenge any deprivation of citizenship. Russia has not, however, acceded to this Convention.

The Council of Europe's 1997 European Convention on Nationality notes in its principles in Article 4 that "statelessness shall be avoided" and that "no one shall be arbitrarily deprived of his or her nationality". Article 7, Part 3 declares that "A State Party may not provide in its internal law for the loss of its nationality" if the person concerned "would thereby become stateless", except if the individual has gained citizenship fraudulently. Russia signed the Convention in November 1997 but has never ratified it. It has therefore not come into force for Russia.

Sharypovo, Krasnoyarsk Region: Case to be resubmitted

On 28 February 2019, after 23 hearings at Sharypovo City Court, Judge Inna Gavritskaya sent back the case against Yevgeny Igoryevich Sukharev (born 9 April 1990) for further investigation. Prosecutors challenged her decision at Krasnoyarsk Regional Court on 7 May 2019, but this was unsuccessful.

Judge Gavritskaya pointed out in her ruling that the indictment failed to indicate when, where, and how Sukharev became aware of the ban on "Nurdzhular" and its activities and yet decided to participate in them anyway, or the "factual circumstances" under which Sukharev became a member of the Krasnoyarsk cell of "Nurdzhular".

The judge also noted discrepancies between the dates of meetings given in Sukharev's indictment and those given in the written verdicts in other cases against readers of Nursi's works in Krasnoyarsk. Investigators also did not state exactly when and under what circumstances Sukharev received instructions to broaden "Nurdzhular"'s activities in Sharypovo.

The judge concluded that the charges against Sukharev had been issued in violation of the law, and that "in such circumstances, the court is deprived of the opportunity to impose a sentence or issue any other decision". Sharypovo Interdistrict Prosecutor's Office must now eliminate the violations and resubmit the charges.

According to Judge Gavritskaya's ruling, Sukharev is accused of participating in Nurdzhular since July 2014. During this time he studied theology in Turkey, allegedly brought copies of Nursi's books into Russia, and "took part in religious lessons, where he studied the teachings of Said Nursi" and "where excerpts from the 'Risale-i Nur' collection were read aloud in the Russian language and explanations of their meaning given, and also participated in collective discussion of what was read".

Later, investigators claim, Sukharev "organised the recruitment of pupils for religious lessons" in his home town of Sharypovo, "recognising the socially dangerous consequences in the form of dissemination among residents of Sharypovo of the ideology of this extremist organisation". He also allegedly read aloud, "on no fewer than two occasions", quotations from 'Risale-I Nur' in a Muslim prayer room in Sharypovo, "with the aim of promoting the ideology of [Nurdzhular] and gaining new adherents".

FSB security service agents arrested Sukharev on 24 March 2017, but did not have him placed in detention or under house arrest. His case reached court in March 2018. (http://www.forum18.org/archive.php?article_id=2426) While prosecutors work on resubmitting their case against him, he will remain under travel restrictions.

Sukharev has not been added to the Rosfinmonitoring "List of Terrorists and Extremists". It is unknown when proceedings may begin again.

Krasnoyarsk: Case delayed

The prosecution of Denis Vladimirovich Zhukov (born 22 February 1988) under Criminal Code Article 282.2, Part 2 also

encountered delays, when prosecutors returned the case to the regional Investigative Committee for further work to be carried out. Investigators have now completed this, another Muslim following the case told Forum 18, and issued a fresh indictment on 20 May 2019.

FSB operatives initially arrested Zhukov on 23 August 2018 on board the Moscow-Krasnoyarsk train, on which he was returning home after a period spent abroad. (http://www.forum18.org/archive.php?article_id=2426)

Investigators had Zhukov placed under house arrest for at least four months, but he has now been released under travel restrictions. He has not been added to the Rosfinmonitoring "List of Terrorists and Extremists".

Zhukov stands accused of participating in alleged "Nurdzhular" gatherings in Krasnoyarsk on 23 October 2015 and 4 November 2015, according to the indictments of 31 August 2018 and 20 May 2019, 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".

Prosecutors charged Zhukov 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").

An ethnic Russian convert to Islam, Zhukov was friendly with other Krasnoyarsk residents who have recently been prosecuted for alleged involvement in "Nurdzhular", a fellow Muslim explained to Forum 18. These included Andrei Dedkov, Andrei Rekst, Sabirzhon Kabirzoda, and Yevgeny Sukharev.

According to the indictment, seen by Forum 18, investigators have submitted the case to the Central District Prosecutor's Office in Krasnoyarsk. It is therefore likely that Zhukov will stand trial at Central District Court, although it is unknown when proceedings may begin.

Krasnoyarsk Region Investigative Committee has repeatedly failed to answer Forum 18's questions about the case, both by telephone and in writing.

Novosibirsk: Released prisoner under restricted freedom to 2027

Imam Komil Olimovich Odilov (born 18 August 1975) was released from his labour camp on 25 March 2019 after serving about nine months of his two-year sentence (his term was reduced by the length of time he had spent in pre-trial detention at the rate of one day in detention to one and half days' imprisonment).

October District Court in Novosibirsk had convicted Odilov in June 2018 under Criminal Code Article 282.2, Part 1. (http://www.forum18.org/archive.php?article_id=2391)

Odilov will spend the eight years to 2027 under restricted freedom. This means that he must not leave Novosibirsk, and must present himself to probation authorities four times every month. He is also not allowed outside his own home between the hours of 10 PM at night and 6 AM in the morning.

This restriction causes Odilov particular difficulties at present, as it means he is unable to go to the mosque for night prayers during Ramadan, which began in early May, and so must pray at home.

At present, Odilov is also still on the Rosfinmonitoring "List of Terrorists and Extremists".

Prosecutors accused Odilov of organising a "cell" of "Nurdzhular" in Novosibirsk. He denied the charges and insisted that "Nurdzhular" does not exist and that he had never engaged in any "extremist" activity.

After being detained alongside several other Muslims at a Novosibirsk cafe, Odilov spent nearly ten months in detention before being released under travel restrictions in September 2016. A total of six Muslims from the city were charged, but Odilov was the only one to be brought to court.

Punished for meeting to study Islamic theologian's writings

Muslims who read the works of the late Turkish Muslim theologian Said Nursi 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 an "extremist organisation" in April 2008.

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 (http://www.forum18.org/archive.php?article_id=2215).

Between June 2017 (http://www.forum18.org/archive.php?article_id=2290) and July 2018 (http://www.forum18.org/archive.php?article_id=2391), 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").

Jehovah's Witnesses also prosecuted

Like Muslims who read Nursi's works, Jehovah's Witnesses also face prosecution under Criminal Code Article 282.2 Part 1 or Part 2. But 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 36 Russian regions between January 2018 and May 2019 (not counting Crimea and Sevastopol).

As of 22 May 2019, 182 Jehovah's Witnesses are known to be under criminal investigation. Of these, 28 are known to be in pre-trial detention, 28 under house arrest, and 71 under travel restrictions. Another 16 people have been placed under specific restrictions, such as not being allowed to go out at night or use the telephone. Four people are under an obligation to appear before investigators when summoned, and a further 35 are not thought to be under any restrictions. This number is still rising with new arrests (see full list here).

Two Jehovah's Witnesses have already been convicted: Dennis Christensen, a Danish citizen who was sentenced to six 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"), in February 2019; and Sergei Skrynnikov, who received a 350,000 Rouble fine on 1 April 2019. Christensen's appeal is due to end on 23 May; he is presently still in detention (http://www.forum18.org/archive.php?article_id=2479).

One Jehovah's Witness, Arkadya Akopyan, charged under Criminal Code Article 282, Part 1 ("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"), was acquitted on grounds of the partial decriminalisation of the offence. Another, Yury Zalipayev, also had a charge under Criminal Code Article 282, Part 1 dropped, but remains on trial under Criminal Code Article 280, Part 1 ("Public calls for extremist activity"). (END)

Full reports on freedom of thought, conscience and belief in Russia
(<http://www.forum18.org/archive.php?query=&religion=all&country=10>)

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

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
(http://www.forum18.org/archive.php?article_id=1468)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments
(http://www.forum18.org/archive.php?article_id=1351)

A printer-friendly map of Russia
(<http://www.nationalgeographic.org/education/classroom-resources/mapping/outline-map/?map=Russia>)

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