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RUSSIA: New sentences, raids, criminal cases

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Criminal prosecutions on extremism-related charges of people in Russia exercising their freedom of religion or belief appear to be increasing, Forum 18 News Service notes. Six readers of the works of Muslim theologian Said Nursi were convicted at a two-hour trial on 11 October in Nizhny Novgorod. Three received prison terms, with Elshan Gasanov receiving one year's imprisonment. That same evening in Novosibirsk, police and FSB security service officers raided several homes looking for copies of Nursi's books. Several people were detained and later released. Two, Ilham Merazhov and Kamil Odilov, now face criminal charges. Meanwhile, Gorno-Altai District Court in Siberia has set 3 November for announcing the verdict in the long-running criminal trial of Jehovah's Witness Aleksandr Kalistratov. These actions came as a trial continues aimed at banning the most important work for Hare Krishna devotees, the Bhagavad-Gita As it Is, as "extremist" literature. Devotees fear that they too could – like Muslims readers of Nursi's works and Jehovah's Witnesses - face "extremism" charges leading to possible imprisonment.

The criminal prosecution of religious believers on extremism-related charges appears to be increasing in Russia, Forum 18 News Service notes. Six readers of the works of the late Turkish Muslim theologian Said Nursi were convicted at a two-hour trial on 11 October in Nizhny Novgorod. One of them, Elshan Gasanov, received one year's imprisonment in an open-type prison, while two others were also imprisoned. That same evening in Novosibirsk, police and FSB security service officers raided several homes looking for copies of Nursi's books. Several people were detained and later released. Two, Ilham Merazhov and Kamil Odilov, now face criminal charges, the Dzerzhinsky Inter-District Investigation Committee told Forum 18 on 14 October. Meanwhile, Gorno-Altai District Court in Siberia has set 3 November for announcing the verdict in the long-running criminal trial of Jehovah's Witness Aleksandr Kalistratov.

Russian translations of many works by Nursi – as well as numerous Jehovah's Witness publications – have been found extremist by various courts and placed on the Federal List of Extremist Materials. Distribution of works on the Federal List is subject to punishment. Prosecutors in Tomsk are currently seeking through the courts to have the Russian translation of the most important work for Hare Krishna devotees – the Bhagavad-Gita As it Is - declared "extremist" and placed on the Federal List (see F18News 10 October 2011 http://www.forum18.org/Archive.php?article_id=1623).

Nursi readers insist they belong to no organisation, but simply read his books to help them understand their faith better. However, the Russian authorities insist they belong to an organisation named Nurdzhular, which was banned as an extremist organisation by Russia's Supreme Court in April 2008 (see F18News 29 May 2008 http://www.forum18.org/Archive.php?article_id=1136).

"We do not consider justified the ban on the books of the theologian Said Nursi as extremist, nor the ban on the Nurdzhular organisation, as such an organisation does not exist in Russia," notes the Moscow-based Sova Center, which has long tracked the use of extremism-related laws to punish religious believers and others. "In practice, prosecutors use the mere study of banned books by Nursi as proof of membership in it."

As the number of extremism-related prosecutions continued to rise, in June 2011 Russia's Supreme Court made clear that cases under "extremism"-related Articles of the Criminal Code should be very carefully and narrowly framed. But this has not stopped cases against Muslim readers of Nursi's works and Jehovah's Witnesses (see F18News 19 July 2011 http://www.forum18.org/Archive.php?article_id=1594).

Hare Krishna devotees fear that if their book - the Bhagavad-Gita As it Is - is also declared "extremist", they too could face imprisonment on extremism-related charges.

Two-hour trial

The trial of six Nursi readers at Nizhny Novgorod's Lenin District Court was completed in one two-hour session on 11 October, the court website notes. Judge Yevgeny Andreev sentenced Gasanov to one year's 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 Article 33, Part 3 ("The organiser is recognised as the person who has organised the carrying out of the crime or having led its carrying out,

as well as the person who created the organised group or criminal association (criminal organisation) or having led them").

The other five defendants were convicted 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"). Alesker Safarov and Renat Khayarov were sentenced to eight months' imprisonment in an open-type prison. Nazim Akhmedov, Ramil Kerimov and Igor Kuznetsov were given eight month prison terms suspended for one year.

March raid

The case against the six began after officers of the regional police's Anti-Extremist Centre and the regional FSB raided the homes of Nursi readers in Nizhny Novgorod in March. Twelve people were arrested, including citizens of Russia, Azerbaijan and Turkey. The FSB press service told the NTA-Privolzhie news agency on 12 October that more than 40 different publications "of an extremist nature" had been confiscated. Among them were three books by Nursi which Moscow's Koptevo District Court in May 2007 had ruled extremist and placed on the Federal List. Also seized were electronic devices containing the texts of Nursi's works.

The prosecution alleged that between January 2008 and the time of the raids in March 2011, the men had operated a "home medrasah", meeting at least twice a week in a rented flat to study Nursi's writings.

The criminal cases launched on 11 March were sent to Lenin District Court in September.

Who suffered?

Yuri Muravyev, head of the Nizhny Novgorod regional FSB's press service, declined to explain what "operational-investigative measures" the FSB had been involved in. "We don't give out such information," he told Forum 18 from Nizhny Novgorod on 14 October. "Everything was done legally."

He said that the six had been members of an organisation, Nurdzhular, which had been banned by the Supreme Court. "Said Nursi's books have been declared extremist and are on the Federal List," he added.

Told that Nursi readers insist no such organisation as Nurdzhular exists, he insisted it did. Asked who had suffered as result of the six men's activities, Muravyev responded: "Why ask who suffered? We don't operate on an emotional level. Extremism has been legally defined. Besides, eight months' or one year's imprisonment is not a heavy sentence."

Novosibirsk raid, detentions

On the evening of 11 October, police in the Siberian city of Novosibirsk raided a group of about 15 Muslims who were eating plov (rice) in the home of Kamil Odilov. The group was a mixture of Russians, Uzbeks, Tajiks, Kyrgyz and Azerbaijanis. All those present were detained and questioned. Police accompanied six of the Muslims to their homes, where searches were undertaken. All but one of those detained were freed later that evening.

Detained for longer was Ilham Merazhov, an Uzbek-born Russian citizen who has long lived in Novosibirsk and who has worked at the local university. He is also a member of the Science and Education Committee of the Muslim Board of Asiatic Russia.

Five police and FSB officers accompanied Merazhov back to his home, accompanied by the required two witnesses, his wife Matlyuba Merazhova told Islamnews.ru. They had a search warrant and, although it was nearly 10 pm and the Merazhoffs' children were preparing for bed, the officers began a search which would last until 4.30 am. She said all their possessions were tipped out onto the floor. The children were unable to sleep because of the noise.

Confiscated from their flat were a computer, mobile telephone, books on how to teach the namaz (Muslim prayer) and copies of Nursi's works in the original Turkish (which are not on the Federal List).

Merazhov told Forum 18 on 14 October that he had been freed during the afternoon of 13 October after being held for about 40 hours. He insisted there had been no banned books in his flat during the search. "I am going to lodge official appeals against everything, the search, the detention and the launch of the criminal case," he insisted.

Criminal cases lodged

The website of the Novosibirsk Region Investigation Committee noted on 13 October that criminal cases had been lodged against two alleged members of Nurdzhular as a result of "operational-investigative activity" by the police and the Regional FSB. Although the website did not name the two, the Investigation Committee confirmed to Forum 18 that they are Odilov and Merazhov.

The press spokesperson for the Regional FSB – who refused to give his name – refused to explain what "operational-investigative

activity" it had been engaged in. "Our activity in this falls under the Law on State Secrets," he told Forum 18 from Novosibirsk on 14 October. He refused to say if this involved surveillance of the individuals or monitoring of their telephones. One of his colleagues – who did not give her name either – also refused to answer these questions, accusing Forum 18 of "trying to discredit the special services". "The FSB doesn't comment on its activity," she added.

The Novosibirsk Region Investigation Committee told Forum 18 that the joint case against Odilov and Merazhov was lodged on 11 October, the same day as the raid. They are being investigated under Criminal Code Article 282.2, Part 1. The Investigation Committee said the case had been launched because of their membership of the banned Nurdzhular organisation. "Being told of the ban on the organisation they continued their activities of their cell observing measures of conspiracy." It claimed they had continued to organise the publication, translation and distribution of Nursi's works.

The investigator handling the case against Odilov and Merazhov at Dzerzhinsky Inter-District Investigation Committee, Aleksei Los, refused to discuss any aspect of the case with Forum 18 on 14 October. He even refused to say how long he expects his investigation to last.

November verdict

The verdict in the long-running case against Kalistratov will be announced in the Siberian town of Gorno-Altai on 3 November, Jehovah's Witnesses told Forum 18.

Kalistratov is being prosecuted under Criminal Code Article 282, Part 1 ("Incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of human dignity"). However, after a six-month trial he was acquitted in April. But after prosecutors appealed a second trial was ordered on the same charges, which began on 22 June. The hearing on 13 October under Judge Marina Kulikova represented the 18th hearing on the second trial (see F18News 10 October 2011 http://www.forum18.org/Archive.php?article_id=1623).

Chita criminal case returned to prosecutors

At the initial hearing on 10 October in the criminal trial of Andrei and Lyutsiya Raitin, a Jehovah's Witness married couple from the Siberian city of Chita, Judge Vera Popova of Chita District Court returned the case to prosecutors as it had been prepared "with violations", the court website notes.

Jehovah's Witnesses complained to Forum 18 that the violations in preparing the case had been "numerous".

Like Kalistratov, the Raitins are being prosecuted under Criminal Code Article 282, Part 1. The Investigation Committee alleged that in 2010, the couple, "pursuing the aims of inciting religious and social hatred" and knowing that it had been declared "extremist", distributed Jehovah's Witness literature in the village of Novotroitsk near Chita. Investigators claim they distributed 16 named texts, which were confiscated from them. "The crime was revealed by operational workers of the Regional Department of the FSB security service," the Investigation Committee noted (see F18News 12 September 2011 http://www.forum18.org/Archive.php?article_id=1612).

Numerous cases

Numerous cases have been brought against Jehovah's Witnesses and Muslim readers of Nursi's works. Ilham Islamli was the first Muslim reader of Nursi's works to be convicted of extremism charges, on 18 August 2010 (see F18News 26 August 2010 http://www.forum18.org/Archive.php?article_id=1480).

Cases in 2011 against Muslim readers of Nursi's works have been:

- Rashid Abdulov, freed on 7 September after nearly eight months' detention on extremism-related charges. Ulyanovsk Regional Prosecutor's Office told Forum 18 the sentence is too "mild" and will appeal "as we believe he deserves a four-year term in a labour camp".

- Asylzhan Kelmukhambetov's appeal is continuing in Orenburg against his 18-month prison term. A diabetes sufferer, he is in the prison hospital. His lawyer told Forum 18 that the judge rejected her request for him to be freed while the appeal is heard (see F18News 12 September 2011 http://www.forum18.org/Archive.php?article_id=1612).

- Farida Ulmaskulova – who was running a summer school for local girls which was raided – and her daughter Fatima Bayrangulova facing criminal prosecution allegedly for running schools for future suicide martyrs. Muslims strongly deny this, describing this as "the fantasy of the special services".

- Andrei Dedkov, Yevgeni Petry, Aleksey Gerasimov and Fizuli Askarov facing criminal charges for studying Nursi's works, in a case which had a preliminary hearing on 31 August (see F18News 12 September 2011

http://www.forum18.org/Archive.php?article_id=1612).

- Ziyavdin Dapayev was convicted on extremism-related charges on 18 May 2011 and given a three-year suspended sentence. Against Russian law, a court decided that works by Nursi confiscated from Dapayev should be handed to the Dagestan Muslim Board "for a decision on the question of the destruction of the banned books and pamphlets". An appeal hearing against his sentence is expected to start in November (see F18News 10 October 2011 http://www.forum18.org/Archive.php?article_id=1623).

- Ayrat Akhtyamov, facing "extremism" charges along with Abdulov, who has since disappeared and is being sought by the authorities (see F18News 19 July 2011 http://www.forum18.org/Archive.php?article_id=1594).

- Bobirjon Tukhtamurodov was imprisoned in Russia following an extradition request from his native Uzbekistan. He had requested refugee status in Russia, but courts in Novosibirsk ordered his extradition (see F18News 4 February 2011 http://www.forum18.org/Archive.php?article_id=1536). On 26 May, the Supreme Court upheld the lower court's decision to cancel the order to extradite him back to Uzbekistan, Yelena Ryabinina, Head of the Right to Asylum Programme of the Moscow-based Human Rights Institute, told Forum 18. (END)

For more background, see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1196.

Analysis of the background to Russian policy on "religious extremism" is available in two articles: - 'How the battle with "religious extremism" began' (F18News 27 April 2009 http://www.forum18.org/Archive.php?article_id=1287 - and - 'The battle with "religious extremism" - a return to past methods?' (F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

A personal commentary by Irina Budkina, Editor of the <http://www.samstar.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.

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.

Reports on freedom of thought, conscience and belief in Russia can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=10>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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

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