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RUSSIA: Contradictions in "extremism" case against imams

By Geraldine Fagan, Forum 18 (https://www.forum18.org)

Forum 18 News Service has found numerous inconsistencies in the Russian state prosecution's case against Ilhom Merazhov and Komil Odilov, the two imams facing criminal "extremism" charges in Novosibirsk. "The case should be examined in a legal, not political, manner - but many concepts being used aren't legal terms," Ilhom Merazhov, one of the imams, told Forum 18. "We're accused of 'gradual transformation of the personality', forming 'behavioural stereotypes' and 'new life values'. This doesn't make [legal] sense!" Aleksandr Tokarev, an officer in the police Counterextremism Department closely involved in the case, has refused to address the charges' many contradictions when contacted by Forum 18. For example, the charges include the claim that the two imams encouraged participation in "Nurdzhular", an alleged organisation with the claimed aim "to change the form of state government and introduce Muslim religious government on the basis of sharia". But some of the prosecution's evidence strengthens the imams' counterclaims that they reject violence. There are also numerous flaws in an "expert analysis" commissioned by the prosecution.

Forum 18 News Service has found numerous inconsistencies in the Russian state prosecution's case against Ilhom Merazhov and Komil Odilov, the two imams facing criminal "extremism" charges in the Siberian city of Novosibirsk.

"The case should be examined in a legal, not political, manner - but many concepts being used aren't legal terms," Ilhom Merazhov, one of the imams, told Forum 18 News Service from Novosibirsk on 25 February."We're accused of 'gradual transformation of the personality', forming 'behavioural stereotypes' and 'new life values'. This doesn't make sense!"

Aleksandr Tokarev, an officer in the police Counterextremism Department for Novosibirsk Region who has been closely involved with the case, refused to address its many contradictions when contacted by Forum 18 on 26 February (see below). He also did not provide any specific examples when asked by Forum 18 what was concretely "extremist" about Merazhov and Odilov's activity (see F18News 27 February 2013 http://www.forum18.org/Archive.php?article_id=1807).

The telephone of Stanislav Leiba, the state investigator who drew up the charges against Merazhov and Odilov, went unanswered when Forum 18 rang repeatedly on 26 February. He has earlier refused to discuss with Forum 18 any aspect of the case, other than its status (see F18News 12 January 2012 http://www.forum18.org/Archive.php?article_id=1654).

Alleged organisers of "Nurdzhular"

The trial against Merazhov and Odilov resumed in the Siberian city of Novosibirsk on 27 February. Formally, the pair are charged with organising the activity of a banned extremist organisation – "Nurdzhular". Under corresponding Criminal Code Article 282.2, Part 1, the harshest possible punishment is four years in prison (see F18News 27 February 2013 http://www.forum18.org/Archive.php?article_id=1807).

Questioning at Novosibirsk's October District Court moved from Odilov to witnesses today (28 February), Merazhov told Forum 18 the same day. The next hearing is scheduled for 12 March.

Merazhov and Odilov are the latest readers of Islamic theologian Said Nursi to be prosecuted as organisers of "Nurdzhular" (a russification of "Nurcular", Turkish for "Nursi followers"). Russia's Supreme Court banned "Nurdzhular" as an "extremist" organisation in April 2008. Nursi readers deny they form part of any such organisation (see Forum 18's Russia "Extremism" religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

Officials now routinely equate reading Nursi's works with membership of "Nurdzhular". Yet Forum 18 has found no connection between the few reasons offered by Russian courts for banning Nursi literature and broader state allegations regarding "Nurdzhular" (see F18News 5 March 2013 http://www.forum18.org/Archive.php?article_id=1811).

Background

Said Nursi (1876-1960) was a theologian from a Turkish Sufi background who attempted to integrate Islamic and modern scientific

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thought. Known for biting opposition to the social consequences of atheist ideology, he once wrote to the Vatican suggesting that Muslims and Christians should join forces against it. While Nursi spent many years in internal exile and prison under the rigidly secularist regime of Mustafa Kemal Atatürk, his works are now freely read in Turkey.

Some Russian regional officials are now stepping up their campaign against Nursi readers. Courts in Kaliningrad, Krasnoyarsk and St Petersburg have ruled 18 Nursi works "extremist" in recent months, and two Nursi readers stand accused of organising "extremist" activity following armed raids in the traditionally Muslim republic of Tatarstan on 14 February (see F18News 19 February 2013 http://www.forum18.org/Archive.php?article_id=1803).

Jehovah's Witnesses are also a particular target of Russia's campaign against "extremism", and numerous Jehovah's Witness texts have been added to the Federal List of Extremist Materials. Distribution of titles on this List is banned throughout Russia. Despite continuing harassment and multiple prosecutions, however, officials have yet to succeed in imprisoning a Jehovah's Witness for "extremism" (see F18News 2 January 2013 http://www.forum18.org/Archive.php?article_id=1786).

A criminal "extremism" case concerning membership of the banned Jehovah's Witness organisation in the Black Sea coast town of Taganrog continues, but has yet to reach court (see F18News 2 January 2013 http://www.forum18.org/Archive.php?article_id=1786).

No proof of violence

Seen by Forum 18, the 300-page Public Prosecutor charges dated 11 September 2012 accuse Merazhov and Odilov of encouraging participation in "Nurdzhular", whose aim is "to change the form of state government and introduce Muslim religious government on the basis of sharia".

The closest definition of "extremism" in the 2002 Extremism Law - "violent change of the constitutional order" – differs crucially by stipulating violence. Also in the charges, Tokarev of the Counterextremism Police does claim that "Nurdzhular" seeks "the creation of an Islamic caliphate under the patronage of Turkey, including by violent methods." Yet no evidence of violence is offered.

When Forum 18 pointed out this discrepancy to Tokarev on 26 February, he insisted there were grounds for banning "Nurdzhular" as an "extremist" religious organisation: "It's all in the Supreme Court decision of the Russian Federation!" When Forum 18 replied that the April 2008 decision was not publicly available and asked what was concretely "extremist" about Merazhov and Odilov's activity, Tokarev referred Forum 18 to the charges against the pair: "It's all laid out there!" He declined to answer further.

Some evidence reproduced in the charges in fact strengthens the imams' counterclaims that they reject violence. This includes undated personal correspondence on a computer seized from Odilov's flat, identified as between Merazhov and Russian journalist Nadezhda Kevorkova. Kevorkova criticises Merazhov for being apolitical: "If you were allowed to gather and read your Nursi books, you'd be indifferent to what is done to those who gather and read the Koran.. it's the anniversary of the massacre in Gaza, when your brothers were killed not for reading, but simply for existing.. and you sit and read your Nursi books."

Merazhov's response defends his rejection of armed conflict: "The spirit of Islam is not found in aggression.. The spirit of Islam is in sincerity, in conscious faith, in love of peace, in knowledge, in performing one's duties properly.. the essence of the works of 'Risale-i Nur' [Nursi's major work] and the activity of [its] students consists of serving the faith and the Koran using exclusively peaceful means.. this is a peaceful struggle, 'moral jihad' or 'jihad of the word'."

No proof of "extremism"

Several of the charges' claims against Merazhov and Odilov do match corresponding legal provisions. According to allegations in the charges made by Tokarev of the Counterextremism Police, "Nurdzhular" seeks "the destruction of the integrity of the Russian Federation", "infringes upon the personality, rights and freedoms of the citizen," and propagandises "the superiority and inferiority of citizens on the basis of their attitude to religion".

These are all definitions of "extremist activity" in the 2002 Extremism Law (Article 1). Another claim - incitement of "enmity [vrazhda] between Muslims and non-believers" - is an offence under Article 282 of the Criminal Code (see Forum 18's Russia "Extremism" religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

Again, however, the charges give no concrete examples concerning Merazhov and Odilov.

Many other accusations contained in the charges are in fact entirely lawful, such as forming "new life values, convictions and behavioural stereotypes".

Seen by Forum 18, a 4 June 2012 "expert analysis" commissioned by Investigator Stanislav Leiba even failed to find signs of "extremism" in the "extremist" Nursi titles Merazhov and Odilov are alleged to have distributed. In line with the charges against the pair, the 40-page "analysis" considered whether the texts called for "the destruction of the integrity of the Russian Federation" and

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"propaganda of the.. superiority or inferiority of citizens.. on the basis of their attitude to religion", among many other forms of support for hostile acts.

Three "experts" in religious studies, psychology and linguistics from Kemerovo State University who conducted the "analysis" did not find "extremist" elements in any of the corresponding eight texts. This was even though the same titles – in three cases, identical editions - have previously been ruled "extremist" and added to the Federal List of Extremist Materials.

"Experts" from Kemerovo State University have previously been used to provide "analyses" in support of prosecutions of Jehovah's Witnesses and failed attempts to have the most important work for Hare Krishna devotees – the Bhagavad-Gita As it Is - declared "extremist" and placed on the Federal List of Extremist Materials (see F18News 10 October 2011 http://www.forum18.org/Archive.php?article_id=1623).

Belief in afterlife = "positive view of death"?

The official charge appearing closest to "infringement upon the personality, rights and freedoms of the citizen" is Tokarev of the Counterextremism Police's claim that "Nurdzhular" "forms groups among the population with a positive view of death and a willingness to sacrifice oneself in the interests of doctrine".

State-controlled national TV focused on this accusation when reporting the case against Merazhov and Odilov soon after its launch. On 25 October 2011 Channel 1 news announced that "Nurdzhular" supporters form "groups among the population with a positive view of death and a willingness to sacrifice themselves in the interests of doctrine." Rossiya channel also stressed that Nursi followers "formed – quote - groups among the population with a positive view of death" in its report the same day.

This claim appears to come from the June 2012 "expert analysis". While failing to find evidence of "extremism" in corresponding Nursi literature, the "experts" did offer one negative conclusion about the Nursi readers' activity: "a positive image of death" was allegedly formed during meetings at Odilov's flat that were secretly recorded by officials.

Unlike the state media's implications, however, the "experts" also emphasised that this evidence does not contain "direct calls for suicide or self-sacrifice". Instead, they stated, Nursi readers "propagandise a religious concept according to which death is the most important event and for which one must prepare.. Death is ascribed the qualities of a gift, eternal joy, liberation."

This conclusion is based on the following excerpt from a secret recording: "Death is the beginning of eternal joy. Thanks to death the soul leaves a cramped chamber for a wider expanse. The soul is saved.. if it weren't for death, there wouldn't be enough space on earth for so many people. Life would be worse."

No proof of "Nurdzhular" membership

The official charges against Merazhov and Odilov offer no evidence for the existence of "Nurdzhular" as an organisation.

Tokarev of the Counterextremism Police notes an April 2009 visit to Odilov's Novosibirsk flat by Turkish citizen Ali Ihsan Erdemir – "responsible for the dissemination of the ideology of "Nurdzhular" on the territory of the CIS (including Russia)". The FSB security service barred Erdemir from entering Russia in February 2010, Tokarev adds - but gives no evidence for his status.

The June 2012 "expert analysis" simply equates reading and/or promoting Nursi's works with membership. The "experts" assume that the unidentifed preachers in the secret recordings are members of "Nurdzhular" as they: refer to Nursi as "Beddiuzaman" ["wonder of the age"] and "teacher"; relate episodes from his life; and repeatedly refer to, cite and praise his work "Risale-i Nur".

Ironically, Merazhov and Odilov have been refused the right to challenge the April 2008 ban on "Nurdzhular", on the grounds that they are unconnected with that case. In the Supreme Court's 26 December 2012 explanation seen by Forum 18, Judge Nikolai Romanenkov returns the pair's request, noting: "You are not persons participating in the case."

No proof "extremist" literature was distributed

The official charges also maintain that officials found 227 and 37 Nursi titles at Odilov's and Merazhov's flats respectively on 11 October 2011 - all either parts of "Risale-i Nur" or directly related to that work.

Of these, Merazhov and Odilov are accused of distributing to their "house madrassah" [Islamic school] seven parts of "Risale-i Nur" determined "extremist" by Moscow's Koptevo Disrict Court in May 2007 and Krasnoyarsk's Railway District Court in September 2010: "A Guide for Women", "Thirty-Three Windows", "Message for the Sick", "Way of Truth", "The Staff of Moses", "Foundations of Brotherhood", "Tenth Word on the Resurrection of the Dead" (see F18News 29 October 2010 http://www.forum18.org/Archive.php?article_id=1504).

The charges fail to match all but one title with the precise editions on the Federal List of Extremist Materials, however. This

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apparently minor detail is important: criminal investigators in Moscow dropped "extremism" charges against Aslambek Ezhayev in February 2009 for publishing Arab theologian Muhammad ali Al-Hashimi's "The Personality of a Muslim" after expert analysis established that his edition was not identical to that on the Federal List (see F18News 27 July 2010 http://www.forum18.org/Archive.php?article_id=1470).

Sergei Sychev, lawyer to Merazhov and Odilov, characterised this inconsistent approach as "Russian sloppiness [russkoe razdolbaistvo]" to Forum 18 on 21 February.

Previously, however, Tokarev of the Counterextremism Police has defended the practice, telling Forum 18: "If it is the same text but in another edition than the one on the List, it still contains extremist ideas." (see F18News 27 July 2010 http://www.forum18.org/Archive.php?article_id=1470).

In this case, while "The Staff of Moses" was found on a computer confiscated from Merazhov's flat, it was an edition published in 2006. The same title at no. 56 on the Federal List has no publication date.

Similarly, the search of Odilov's home address found six Nursi titles featuring on the Federal List (some in multiple copies), but all the editions except one did not match the publication dates of those on the List. The exception – "Way of Truth", translated by Mirza-Ulugbek Abdullayev and Marat Tamimdarov and published in 2004, matches that at no. 55 on the Federal List. However, the title was found in a single copy, and no evidence is offered to prove that Odilov distributed it.

Further 11 October 2011 searches of Nursi readers' homes in Novosibirsk did uncover Nursi titles matching entries on the Federal List. Fekhruz Isayev's flat held a single copy of "Message for the Sick" translated by Marat Tamimdarov and published in 2003 – details matching no. 58 on the Federal List. However, Isayev's witness statement in the charges does not confirm that he received this from either Merazhov or Odilov, but rather that he bought Nursi titles for his personal use when visiting Azerbaijan in 2004.

Similarly, Uralbek Karaguzinov's flat also held a single copy of "Way of Truth" translated by Marat Tamimdarov and Mirza-Ulugbek Abdullayev and published in 2004 – details matching no. 55 on the Federal List. The flat also held a single copy of "Tenth Word on the Resurrection of the Dead", translated by Timur Galimov and Mirza-Ulugbek Abdullayev and published in 2005 – details matching no. 856 on the Federal List.

Again, however, there is no evidence that these texts were distributed by Merazhov or Odilov. In his witness statement, Karaguzinov confirmed ownership of a single, different Nursi title he obtained in a mosque in Kazakhstan in March 2011.

The June 2012 "expert analysis" also pays no attention to whether particular editions of Nursi works seized match those on the Federal List.

In only one instance – "Way of Truth" – was the edition analysed that found in Odilov's flat and featuring at no. 55 on the Federal List.

In another instance, the "experts" examined the edition of "Staff of Moses" at no. 56 on the Federal List – but this was not the edition found at Merazhov's flat. They also examined the edition of "Ramadan, Thanks and Frugality" at no. 51 on the List, but the charges do not make clear whether this was the same edition as copies of a similar title found at Odilov's flat.

While the 2005 edition of "Tenth Word on the Resurrection of the Dead" found at Karaguzinov's flat was that at no. 856 on the Federal List, the "experts" examined a different edition, published in 2010 and translated by Ibrakhim Salikh.

In the remaining four instances ("Foundations of Brotherhood", "Message for the Sick", "Thirty-Three Windows" and "A Guide for Women"), the experts examined the editions found in Merazhov's and Odilov's flats – but these were not those on the Federal List. (END)

For more background, see Forum 18's surveys of the general state of religious freedom in Russia at http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

An analysis of the way that the Russian authorities have used the Pussy Riot case to intensify restrictions on freedom of religion or belief is at F18News 15 October 2012 http://www.forum18.org/Archive.php?article_id=1754.

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.

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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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