

20 November 2014

RUSSIA: "Extremism" charges for possessing Muslim books, Jehovah's Witness community ban confirmed

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

The criminal trial of six Russian Muslims accused of "extremism" for alleged involvement in "Nurdzhular", an organisation which Muslims deny exists, began in Perm on 16 October, Forum 18 News Service has learnt. Two women facing the same charges in Krasnoyarsk will go on trial on 27 November, and another man in Rostov-on-Don is likely to be tried soon after. Four more people are soon to be brought to court on similar charges. Another Muslim from Perm, who reads the works of the late Turkish Muslim theologian Said Nursi, was given a suspended prison sentence in June. Also, the Jehovah's Witness community in Samara – forcibly liquidated on charges of "extremism" – has been unable to overturn the liquidation ruling on 12 November in the Supreme Court. In Taganrog a similar 2009 liquidation also upheld by the Supreme Court has been used to justify banning all Jehovah's Witness activity. Subsequently, seven Jehovah's Witnesses were found guilty of "extremism" in August 2014 for continuing to meet together for prayer and Bible study.

The criminal trial of six men accused of "extremism" for alleged involvement in "Nurdzhular", an organisation which Muslims in Russia deny exists, began in the Urals city of Perm on 16 October, Forum 18 News Service has learnt. Two women facing the same charges in the Siberian city of Krasnoyarsk will go on trial on 27 November, and another man in the southern Russian city of Rostov-on-Don is likely to be tried soon after. Four more people are soon to be brought to court on similar charges.

Another Muslim from Perm, who reads the works of the late Turkish Muslim theologian Said Nursi, was given a suspended prison sentence in June.

The two defendants in Krasnoyarsk (who are accused of running a "women's cell"), three of the six defendants on trial in Perm, one defendant in Rostov, and the alleged leader of a "cell" in the Volga city of Ulyanovsk have all been charged under Criminal Code Article 282.2, Part 1 ("Organisation of an extremist organisation"). This is punishable with a fine of at least 300,000 Roubles (about 43,000 Norwegian Kroner, 5,100 Euros or 6,400 US Dollars) or imprisonment of up to six years.

The other defendants have been charged under Criminal Code Article 282.2, Part 2, with the lesser offence of participation in an "extremist organisation". This carries a maximum fine of 300,000 Roubles or up to four years' imprisonment. Increased punishments for both Parts 1 and 2 were signed into law by President Vladimir Putin in February (see F18News 11 February 2014 http://www.forum18.org/archive.php?article_id=1927).

Also, the Jehovah's Witness community in Samara in southeastern Russia – forcibly liquidated on charges of "extremism" – was not on 12 November able to overturn the liquidation ruling in Russia's Supreme Court. In Taganrog in southern European Russia a similar 2009 liquidation, also upheld by the Supreme Court, has been used to justify banning all Jehovah's Witness activity. Subsequently, seven Taganrog Jehovah's Witnesses were found guilty of "extremism" for continuing to meet together for prayer and Bible study. All are appealing against the convictions (see below).

Criminal charges in Perm for possessing works of Said Nursi

The criminal trials of seven Muslims in Perm who read Nursi's works finally began in 2014. All were arrested in May 2013, as part of a wide-ranging law enforcement operation also involving raids in St Petersburg, Anapa and Rostov-on-Don. In Perm, police seized 4,860 allegedly "extremist" books, plus computer equipment, discs, and mobile phones (see F18News 24 June 2013 http://www.forum18.org/archive.php?article_id=1850).

Repeated calls by Forum 18 to the city Prosecutor's Office on 19 November were not answered.

If a person has "extremist" material, such as Russian translations of Nursi's works on the Federal List of Extremist Materials, they are liable to face criminal prosecution (see Forum 18's Russia "Extremism" religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

On 24 June 2014, the final day of his trial, Magistrate Oksana Artemova of Perm's Sverdlovsk District Magistrates' Court No. 36 found Vyacheslav Solovyov guilty under Criminal Code Article 282.2. She sentenced him to one year's suspended prison sentence, Anastasiya Reikhardt, court secretary, told Forum 18 from Perm on 17 November. She said the cases of the other six accused were handed to Magistrates' Court No. 37, but refused to say why.

An official at Magistrates' Court No. 37 told Forum 18 that the six on trial under Magistrate Aleksandr Gulin are: Elnur Kerimov, Aleksei Tashchevnikov and Ertugrul Ergin (Article 282.2, Part 1); and Ramil Kerimov, Rasul Magomedov and Azad Tadzhiev (Article 282.2, Part 2). The official declined to give any other information on the case. "That's enough by telephone," he told Forum 18 on 17 November.

Ergin is a Turkish citizen, while three of the others are Azerbaijani citizens and the other two Russians.

Three hearings have already taken place – on 16, 23 and 30 October – but proceedings have now been postponed until 25 November, a court official told Forum 18.

Krasnoyarsk

The case against Yelena Gerasimova and Tatyana Guzenko under Criminal Code Article 282.2, Part 1, is at last beginning at Krasnoyarsk's Soviet District Court, having been passed around the Krasnoyarsk court system for the last six months. A delayed preliminary hearing is due to take place on 27 November, according to the court website.

Police "anti-extremism" officers and the FSB security service raided Gerasimova's and Guzenko's flats on 8 August 2013, during the major end-of-Ramadan festival Eid-ul-Fitr. At Gerasimova's home, police conducted a five-hour search, during which the family's Eid guests were not permitted to leave and Gerasimova (who is a lawyer) noted a number of procedural violations (see F18News 21 October 2013 http://www.forum18.org/archive.php?article_id=1888).

According to the regional prosecutor's press release, religious literature seized from their homes was taken as evidence against the two women. Police and security officials consistently equate readership of Nursi's works with membership of "Nurdzhular".

Krasnoyarsk Regional Prosecutor's Office alleged in a press release on 29 May 2014 that the accused ran a "cell" of more than ten women, and fostered contacts with "Nurdzhular" members in Naberezhnyye Chelny (something Nursi readers in that city have denied to Forum 18).

The Supreme Court banned "Nurdzhular" in 2009, but readers of Nursi's works deny that the organisation exists and therefore that they are part of it (see Forum 18's Russia "Extremism" religious freedom survey http://www.forum18.org/Archive.php?article_id=1724). Much of the state's argumentation is incoherent, with quite different reasons offered for banning Nursi's writings and "Nurdzhular" in different contexts. It would appear that the primary cause of Russia's anti-Nursi campaign is state opposition to "foreign" spiritual and cultural influence (see F18News 5 March 2013 http://www.forum18.org/archive.php?article_id=1811).

Krasnoyarsk Regional Prosecutor's Office originally brought the case to Soviet District Court in May 2014, but it was then passed to Magistrates' Court No. 79. In June, however, it was transferred to Krasnoyarsk Regional Court as the question of where it should be heard remained unresolved, the secretary at Magistrates' Court No. 79 told Forum 18 on 19 August (see F18News 19 August 2014 http://www.forum18.org/archive.php?article_id=1986).

At a delayed hearing on 16 September, the Regional Court ruled that Gerasimova and Guzenko should be tried at the original district court.

It is common for "extremism" cases against religious believers to spend a long time being transferred between different parts of the court system. While this goes on defendants are left waiting and uncertain of what will happen next, often with restrictions on their movements and activities.

Krasnoyarsk Regional Prosecutor's Office claimed in August that they were no longer handling the case and directed Forum 18 to the General Prosecutor's Office of the Russian Federation. Forum 18 submitted written requests for information on 18 August and 12 November, asking what sentences prosecutors are seeking and why the women are considered dangerous. These have both gone unanswered.

Rostov-on-Don

The criminal case against another Muslim who reads Nursi's works was handed to Rostov's Oktyabr District Court on 10 November, the court website notes. Gadzhibek Ismailov faces trial under Criminal Code Article 282.2, Part 1. The case will be heard by Judge Stanislav Vinokur, though no date has yet been set.

The case, prepared by Rostov Regional Prosecutor's Office, alleges that Ismailov organised the study of banned religious literature in his home between November 2012 and May 2013, the Prosecutor's Office noted on its website on 17 November 2014. The works had been banned by Moscow's Koptevo District Court, it added. Fourteen of Nursi's works were banned by this court in 2007 (see F18News 27 June 2007 http://www.forum18.org/archive.php?article_id=981).

Asked why Ismailov was considered dangerous, a spokeswoman for Rostov Regional Prosecutor's Office told Forum 18 on 19 November that: "He organised the study of literature ruled extremist by court decision, and drew in a certain number of people. At his home these people studied the ideas of the spiritual leader of Nurdzhular, an extremist movement".

Ulyanovsk

On 10 November, police in Ulyanovsk charged 31-year-old Bagir Kazikhanov with the organisation of "extremist" activities under Criminal Code Article 282.2, Part 1. Kazikhanov was remanded in custody from his arrest in Moscow on 9 April until 26 October, when a judge ruled that he should be released under house arrest, Nursi readers elsewhere in Russia told Forum 18 on 12 November. The case has not yet come to court.

Also, Farkhad Allakhverdiyev, Stepan Kudryashov and Aleksandr Melentyev have been charged with participation in "extremist" activities under Article 282.2, Part 2, a fellow Nursi reader told Forum 18 on 14 November. They have not, however, been kept in custody.

The case is being led by Captain Aleksei Lukyanov of the Ulyanovsk Regional police Investigation Department. When Forum 18 called his direct number on 19 November, the woman who answered refused to respond to any questions about the case and put the phone down.

A spokesperson at the police Press Office told Forum 18 on the same day that all requests for information should be submitted in writing.

Kazikhanov (originally from Dagestan), is accused of having come to the city deliberately to found and lead a "Nurdzhular" cell dedicated to the study of Nursi's works and the dissemination of his ideas. The police document outlining the charges against him, seen by Forum 18, claims that his actions amounted to "the agitation of inter-confessional and inter-ethnic hatred and enmity, with the aim of the Islamification of the state and the region by the direction of the governing centre of Nurdzhular, located in Turkey".

Ulyanovsk Police sent a large quantity of books, pamphlets, compact discs and electronic equipment seized from all four men to Nizhny Novgorod State University's Centre for Historical and Cultural Anthropology for "expert analysis". Such "expert analyses" have often been used to justify bans on books and prosecutions (see F18News 10 April 2014 http://www.forum18.org/archive.php?article_id=1946). There can be numerous flaws in such "expert analyses" (see eg. F18News 28 February 2013 http://www.forum18.org/archive.php?article_id=1808).

The three Nizhny Novgorod "experts" – Fyodor Dorofeyev (history of religion), Yevgeny Volkov (sociology), and Yekaterina Koltunova (linguistics) – submitted their report, which Forum 18 has seen, on 23 October 2014. They concluded from their examination of the seized materials and records of conversations between the men that all four were members of "Nurdzhular". The reading of Nursi's works is "the principal identifier [emphasised in the original] for the practices of the Nurdzhular association", Dorofeyev asserted. The group was "structured" and "hierarchical", and the "experts" deemed Kazikhanov to be the "informal (and maybe formal) leader".

It appears that Muslims meeting for study and discussion of Nursi's works, even using editions which have not been prohibited and placed on the Federal List, is sufficient reason for them to be accused of a banned organisation. Jehovah's Witnesses also face the same kind of risk of prosecution (see eg. F18News 28 February 2013 http://www.forum18.org/archive.php?article_id=1808). In the case of the Ulyanovsk Muslims, this happened despite Dorofeyev's conclusion that there had been no conspiracy aimed at sowing religious or societal discord. Knowledge of Nursi's Turkish associates and Islamic life in Turkey or even speaking the Turkish language are also grounds for suspicion.

Forum 18 asked Dorofeyev of Nizhny Novgorod State University on 19 November to explain why the four men were considered dangerous. He insisted that the "expert analysis" was not aimed at answering this question, but only whether the suspects were members of Nurdzhular. When asked whether he thought they ought to be prosecuted, as he had concluded there was no conspiracy, Dorofeyev replied that "according to Russian law they should be brought to court".

The case is expected to be submitted to prosecutors in December, and is likely to come to court in January 2015, Muslim readers of Nursi's works told Forum 18 on 14 November.

Jehovah's Witness Supreme Court appeal fails

Meanwhile, Jehovah's Witnesses have failed in their attempt to overturn the enforced liquidation of their community in the city of

Samara. Russia's Supreme Court in Moscow finally rejected their appeal on 12 November, the Court website noted.

Samara Regional Court ordered the dissolution of the community after it allegedly breached the terms of an official warning over the distribution of allegedly "extremist" literature, issued in summer 2013. In spring 2014 single copies of prohibited texts were discovered at the Jehovah's Witnesses' rented premises. Samara's Soviet District Court imposed a fine of 50,000 Roubles (then about 8,350 Norwegian Kroner, 1,000 Euros, or 1,400 US Dollars) for this "offence", even though the community's Chair Andrei Bobkov stated that the books did not belong to his congregation (see F18News 1 May 2014 http://www.forum18.org/archive.php?article_id=1953).

The Regional Prosecutor later successfully used this conviction to argue that the community itself should be ruled "extremist" and liquidated. The Justice Ministry has already added the Samara Jehovah's Witness community to the "list of social and religious associations whose activity is halted in connection with the carrying out by them of extremist activity". It was already on the Federal Financial Monitoring Service (Rosfinmonitoring) list of "terrorist and extremist" organisations (see F18News 19 August 2014 http://www.forum18.org/archive.php?article_id=1986).

When a registered religious organisation is liquidated, it loses its status as a legal entity and the rights that flow from it, such as the ability to own or rent property, employ staff and hold a bank account. An unregistered community should legally be able to continue to operate as a religious group, which does not require registration, and meet privately for worship and study (see F18News 14 April 2005 http://www.forum18.org/archive.php?article_id=543). Despite this, people who belonged to forcibly liquidated Jehovah's Witness communities in Samara and Taganrog have found that they are not allowed to meet to exercise freedom of religion or belief.

In Taganrog in southern European Russia the liquidation of that community has been used to justify banning all Jehovah's Witness activity – whether registered or unregistered. On 8 December 2009 the Supreme Court upheld a Rostov-on-Don Regional Court ruling finding 34 Jehovah's Witness publications "extremist" and the liquidation of the Taganrog Jehovah's Witness congregation as "extremist" (see F18News 8 December 2009 http://www.forum18.org/archive.php?article_id=1385).

Taganrog City Court subsequently found seven Jehovah's Witnesses guilty of "extremism" offences in August 2014. Four of the seven were given suspended prison terms of at least five years. All seven were fined, although these fines were later waived. Despite the suspension or waiving of the punishments, all seven convicted Jehovah's Witnesses still have criminal records and may not change their places of work, study or residence without notifying the authorities. They must also show that they have "corrected" their behaviour.

The seven - all members of the community declared "extremist" in 2009 – were punished for continuing to meet for prayer and Bible study. Jehovah's Witnesses told Forum 18 in August 2014 that they fear that "their determination to continue religious activity means that they might be subject to more severe punishments as recidivists" (see F18News 19 August 2014 http://www.forum18.org/archive.php?article_id=1986).

All 16 Jehovah's Witnesses charged in the original trial have appealed against the verdict at Rostov Regional Court, including those who were acquitted. According to the court website, the first appeal hearing is scheduled for 11 December. The Caucasian Knot news website reported on 8 August that the prosecution had also submitted an appeal, but Rostov Regional Prosecutor's Office has repeatedly refused to discuss this with Forum 18.

When Forum 18 asked on 19 November whether Taganrog Jehovah's Witnesses were still able to meet privately for worship, a spokeswoman for the Prosecutor's Office said that she was not prepared to answer that question.

Calls by Forum 18 to Samara Regional Prosecutor's Office on 19 November were not answered.

November's Supreme Court decision means that one of the four registered Jehovah's Witnesses in Samara Region is now banned and cannot function. Communities in Chapaevsk, Syzran and Tolyatti are unaffected by the liquidation of the Samara community, which gained state registration in 2002. (END)

For more background, see Forum 18's surveys of the general state of freedom of religion or belief 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.

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.

Follow us on Twitter @Forum_18 (http://twitter.com/forum_18)

Follow us on Facebook @Forum18NewsService (<http://www.facebook.com/Forum18NewsService>)

All Forum 18 text may be referred to, quoted from, or republished in full, if Forum 18 is credited as the source.

All photographs that are not Forum 18's copyright are attributed to the copyright owner. If you reuse any photographs from Forum 18's website, you must seek permission for any reuse from the copyright owner or abide by the copyright terms the copyright owner has chosen.

© 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
Rodeløkka
N-0502 Oslo
NORWAY