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RUSSIA: Raids, charges, detentions and fines of Muslims continue

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

Two more Muslims who read the works of the late Turkish Islamic theologian Said Nursi, Komil Odilov and Yevgeny Kim, were arrested in December 2015 and are in pre-trial detention on "extremism" criminal charges, Forum 18 News Service has learned. Odilov has already served a one-year suspended sentence for alleged "extremist" activity and is currently appealing to the European Court of Human Rights (ECtHR) in Strasbourg. Another long-running case against three Muslim men in Krasnoyarsk ended in December 2015 in convictions and large fines for two of the defendants, and will soon go to appeal. After being convicted on almost the same "extremism" charges, after the longest such trial yet in Russia, 14 male and two female Jehovah's Witnesses have appealed against heavy fines and suspended prison terms for continuing to meet to pray and read the Bible after their Taganrog community was banned. And the criminal trial of an atheist blogger in Stavropol for "insulting religious feelings" is due to begin on 4 February.

Two more Muslims who read the works of the late Turkish Islamic theologian Said Nursi were arrested in December 2015 and remain in pre-trial detention on serious "extremism" criminal charges, Forum 18 News Service has learned. The FSB security service launched the investigations into Komil Odilov in Novosibirsk and Yevgeny Kim in the Amur region capital of Blagoveshchensk. Odilov has already served a one-year suspended sentence for alleged "extremist" activity and is currently appealing to the European Court of Human Rights (ECtHR) in Strasbourg.

Another long-running case against three Muslim men in Krasnoyarsk ended in December 2015 in convictions and large fines for two of the defendants, and will soon go to appeal.

In December 2015, 16 Jehovah's Witnesses were convicted on almost the same "extremism" charges after the longest such trial yet in Russia, setting what they described as "a dangerous precedent for religious freedom in Russia" (see F18News 3 December 2015 http://www.forum18.org/archive.php?article_id=2128). The 14 men and two women have appealed against their convictions for continuing to meet to pray and read the Bible after their Taganrog community was banned and the heavy fines and suspended prison terms they received (see below).

And the criminal trial of an atheist blogger in Stavropol for "insulting religious feelings" is due to begin on 4 February 2016 (see below).

The "crime" of Muslims meeting to read Nursi's texts

Nothing appears to advocate hatred, violence, or the violation of any human right in Nursi's writings. Despite this, numerous Russian lower courts have ruled that various Russian translations of them (and of some other Islamic and some Jehovah's Witness texts) are "extremist", and have had them added to the Justice Ministry's Federal List of Extremist Materials (see F18News 27 July 2015 http://www.forum18.org/archive.php?article_id=2084).

Sharing such "extremist" texts, even in private homes, can make those involved liable to criminal and administrative prosecution (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

Meeting to read Nursi's books frequently results in criminal charges under "extremism" legislation for membership of "Nurdzhular" (a Russification of the Turkish for "Nursi followers"), a banned "extremist organisation" which Muslims in Russia deny has ever existed. The reasons for Russia's ongoing nationwide campaign against readers of Nursi's works are obscure, with quite different reasons offered for banning Nursi writings and "Nurdzhular" in different contexts. But the primary cause appears to be state opposition to "foreign" spiritual and cultural influence (see F18News 5 March 2013 http://www.forum18.org/archive.php?article_id=1811).

Little or no reasoning is given in the court decisions which have added Nursi's works to the Federal List, Forum 18 notes. Among the few specific instances of "extremism" cited, for example, are Nursi's descriptions of non-Muslims as "frivolous", "philosophers" and "empty-talkers" (see eg. F18News 5 March 2013 http://www.forum18.org/Archive.php?article_id=1811). The freedom to criticise any religious or non-religious belief is, however, a central part of freedom of religion and belief. This freedom is also being challenged by the criminal trial of atheist blogger Viktor Krasnov, who is charged with "insulting religious feelings" (see below).

Detained for organising an organisation "which does not exist"

Imam and teacher Komil Odilov has been charged for the second time with organising "extremist" activity in Novosibirsk and is currently being held in detention. His appeal against his first conviction is still under consideration in the European Court of Human Rights (ECtHR).

Odilov was arrested on 6 December 2015, his lawyer Yuliya Zhemchugova told Forum 18 on 11 December. Four days before, he had received a letter from Novosibirsk FSB security service Major Ye. Selyunin, which Forum 18 has seen, informing him that an investigation had been opened 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"). On 11 December, he was charged with organising a "cell" of the banned "extremist" organisation Nurdzhular and ordered to be detained until 1 February 2016.

"We are building our objection on the fact that such an organisation does not exist," Zhemchugova told Forum 18. "Technically, anyone who studies Nursi's teachings can be linked to the organisation itself, as Odilov has been. His opinion is that such an organisation does not exist. Yes, they are Muslims, they performed traditional religious rites. Naturally, they engaged in no 'extremist' activity. Odilov is a cleric at the Spiritual Administration of Muslims of Asiatic Russia and is held in great esteem."

Fellow Novosibirsk Muslims Uralbek Karaguzinov and an underage boy (name unknown) were also arrested in December 2015 on suspicion 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"). But both were released after 48 hours, according to Zhemchugova. Karaguzinov was also investigated during the first case against Odilov in 2011-13, but was not charged. Only Odilov now remains in detention.

He has not complained about the conditions there, Zhemchugova remarked to Forum 18 on 18 January 2016. However, fellow imam Ilhom Merazhov described them as "severe" and "overcrowded".

Forum 18 called the Novosibirsk FSB security service on 20 January to ask why Odilov was considered dangerous, when he would be released from detention, and when the case was likely to come to court. A spokesperson said he could not comment by telephone and immediately ended the call. Forum 18 put the same questions to the FSB security service in writing on 18 January, but had received no response by the end of the Novosibirsk working day on 21 January.

Odilov and fellow imam Merazhov were convicted in May 2013 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") for allegedly organising "Nurdzhular" activity. Each received a one-year conditional sentence. The investigation and trial lasted two years. After fruitless appeals to Novosibirsk Regional Court and the Supreme Court of the Russian Federation, they appealed in January 2014 to the European Court of Human Rights (Application No. 6731/14 and Application No. 6738/14). An ECtHR spokesperson told Forum 18 on 21 January 2016 that no decision had yet been taken as to the admissibility of the cases.

Detained, raided and charged for meeting

Muslims who read Nursi's works are also under investigation in Blagoveshchensk in the Far Eastern Amur region. The FSB security service arrested Yevgeny Kim on 26 December 2015, when he and his friends, including their children, had gathered at Kim's home to celebrate the birthday of the Muslim Prophet Mohammed. He remains in detention and has been charged 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"), with "disseminating the religious ideas of the international religious association Nurdzhular, fully aware of the fact that .. [it] had been recognised as extremist and its activities prohibited on the territory of the Russian Federation".

Anton Starodubtsev, who attended the celebratory gathering, described to Moscow-based human rights monitor OVD-Info how armed men in balaclavas stormed the flat between 7 and 8pm, then made the attendees lie handcuffed on the floor for five hours while the property was searched and individuals taken into another room to be questioned. The officers did not show any official documents.

Kim and his friends were then taken to the local FSB security service offices, where interrogations continued. According to Starodubtsev's comments, published by OVD-Info on 18 January 2016, the FSB is still carrying out searches of homes and workplaces and summoning people for questioning.

Forum 18 called the Blagoveshchensk FSB security service on 20 January to ask when the case might come to trial and whether anybody else remained in detention or had been charged with any offence. A spokesperson refused to comment by telephone, and explained that requests for information must be submitted in writing. Forum 18 had already done this by email on 18 January, but

had received no response by the end of the Blagoveshchensk working day on 21 January.

Blagoveshchensk City Court ruled on 25 December 2015 that the FSB security service should be permitted to search the flat belonging to Darya Starodubtseva (Anton Starodubtsev's wife). Kim is registered at this address although he lives elsewhere. According to the court document, seen by Forum 18, the case against 41-year-old Kim was opened on 25 December after an FSB investigation showed that he had organised religious gatherings in Blagoveshchensk on ten occasions between early September and the end of November 2015, at which he allegedly "decided to quote from" and discuss Nursi's collection of writings "Risale-i Nur" (Messages of Light).

According to expert analysis ordered by the FSB security service (and carried out by Krasnoyarsk State Pedagogical University and the Siberian Federal University), speeches made by Kim and others at these meetings "were aimed at inciting religious hatred", promoted the "superiority of the Turkic peoples", and contained "negative evaluations" of Armenians and Russians. Kim is accused of presenting "Risale-i Nur" as the "answer to all questions" and as "attractive for believers in comparison with other religious teachings, including official Islam".

Such "expert analyses" have often been used to justify bans on books and prosecutions (see eg. F18News 20 November 2014 http://www.forum18.org/archive.php?article_id=2017). But there can be numerous flaws in such "expert analyses" (see eg. F18News 28 February 2013 http://www.forum18.org/archive.php?article_id=1808).

Guilty and fined

Two other men accused of "Nurdzhular" membership, Andrei Dedkov and Aleksei Kuzmenko, were found guilty at Soviet District Court in Krasnoyarsk on 18 December 2015.

Although prosecutors had sought jail sentences, Judge Yevgeny Repin instead imposed fines of 150,000 Roubles (about 18,750 Norwegian Kroner, 2,025 Euros or 2,205 US Dollars) on Dedkov 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 100,000 Roubles (about 12,500 Norwegian Kroner, 1,350 Euros or 1,470 US Dollars) on Kuzmenko 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").

A third defendant, Azerbaijani-born Ismat Agzhayev, was also tried 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"). But on 2 December 2015 the court halted proceedings against him until he recovers from illness, court spokesperson Anna Sheludko told Forum 18 on 15 January 2016. Both Krasnoyarsk Regional Prosecutor's Office and lawyers for Dedkov and Kuzmenko have submitted appeals against the judge's decision, she added.

The investigation of the three has been underway since January 2014. Court proceedings began on 24 July 2015 and were interrupted by the judge going on holiday (see F18News 3 December 2015 http://www.forum18.org/archive.php?article_id=2128 and below).

No "foreign or international" questions

When Forum 18 called the regional Prosecutor's Office on 19 January 2016 to ask why it was appealing against the verdict, a spokesperson said that enquiries must be directed to the General Prosecutor's Office of the Russian Federation, as Forum 18 is a "foreign or international organisation", not registered in Russia.

Arrests, searches, questions

The Siberian Federal District Investigative Committee's investigation of 36-year-old Dedkov, 33-year-old Kuzmenko and 19-year-old Agdzhayev began in January 2014 (see F18News 12 March 2014 http://www.forum18.org/archive.php?article_id=1936). Law enforcement officers seized copies of Nursi's text "Risale-i Nur" during searches of their homes (see F18News 11 February 2014 http://www.forum18.org/archive.php?article_id=1927).

Texts from this collection have been subject to 34 "extremism" rulings in courts across Russia since July 2007, when the Federal List of Extremist Materials was first published (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

Before he was charged, Kuzmenko described to Forum 18 how Dedkov, Agdzhayev, and "several other Muslim brothers" were arrested after Friday prayers at Krasnoyarsk's Cathedral Mosque, while other worshippers, who had already left, were detained at the exit of a nearby hypermarket. Searches of suspects' homes "went on deep into the night". Officers seized more than 400 books from

Dedkov's flat and car, as well as more books, computer discs, laptops and tablets from Agdzhayev and others. Kuzmenko also claimed that the FSB security service confiscated from him a Turkish-language edition of a book by Nursi.

According to Kuzmenko, he experienced "no brutality" from law enforcement officers during the searches and questioning. But he alleged that they "applied pressure" to one witness (which he did not describe in detail) to state that Dedkov had directed him to create a social network group dedicated to Nursi's writings.

In a press statement of 22 December 2015, the regional Prosecutor's Office claimed that Dedkov, "having decided to carry out the activities of the international religious association Nurdzhular", distributed Nursi's books in Krasnoyarsk and attempted to involve residents in religious lessons at "a network of places" which he had set up. He allegedly instructed Kuzmenko and Agdzhayev also to involve other people in the study of Nursi's works, to distribute books, and to hold lessons in a flat, "which [Kuzmenko] personally conducted, reading and explaining the contents of what was read".

"The fantasies of law enforcement agencies"

The FSB security service and prosecutors had no evidence of the existence of Nurdzhular, Kuzmenko told Forum 18, "because a priori there cannot be any, as this organisation does not exist anywhere except in the fantasies of law enforcement agencies".

In summer 2015, the trials of two Krasnoyarsk residents accused of running a women's cell of "Nurdzhular" came to an end at the same Soviet District Court. Tatyana Guzenko was fined 100,000 Roubles in July, while proceedings against Yelena Gerasimova were dropped in August as the two-year statute of limitations had expired (see F18News 24 August 2015 http://www.forum18.org/archive.php?article_id=2093).

Financial penalties even if not convicted

The names of several Muslims who have been charged with "extremism" offences for meeting to study Nursi's works have been added to the list of "terrorists and extremists" maintained by the Federal Financial Monitoring Service (Rosfinmonitoring), whose assets banks are obliged to freeze. From 30 January 2014 the law has been relaxed to allow small transactions not exceeding 10,000 Roubles (about 1,250 Norwegian Kroner, 135 Euros or 147 US Dollars) per month.

Merzhov, who was given a suspended sentence in 2013, described to Forum 18 how he was unable to receive his university salary or make any money transfers when on the list (see F18News 11 February 2014 http://www.forum18.org/archive.php?article_id=1927).

Forum 18 notes that the list appears to violate the presumption of innocence by including individuals not convicted of terrorism or "extremism". It also fails to distinguish clearly between those suspected or convicted of terrorism and of "extremism".

No clear timetable appears to exist for the addition or removal of names from the list. Some individuals known to have been convicted, for instance, have still not been added, yet others who are still only suspected of "extremist" activity, do appear.

In Krasnoyarsk, Andrei Dedkov, Aleksei Kuzmenko and Ismat Agdzhayev all appear on the Rosfinmonitoring list of 21 January 2016. Yevgeny Petry, Aleksei Gerasimov, and Fizuli Askarov, who were tried alongside Dedkov in a previous case (which ran out of time in 2012) do not. Neither Tatyana Guzenko, who was convicted of "extremism" in 2015, nor Yelena Gerasimova, who was not, have been added to the list. In Novosibirsk, Komil Odilov and Uralbek Karaguzinov have been added. Ilhom Merzhov's name has been removed. In Blagoveshchensk, Yevgeny Kim's name does not yet appear on the list.

In total, nine Muslims who read Nursi's works currently appear on the list, out of 31 known by Forum 18 to have been convicted since 2010. A further five (including Odilov) appear despite not having been convicted.

Stavropol "insulting religious feelings" trial to begin

The trial of an atheist blogger charged under Criminal Code Article 148, Part 1 ("Public actions, expressing obvious disrespect for society and committed with the intention of insulting the religious feelings of believers") is due to begin on 4 February 2016, Forum 18 has learned. Viktor Krasnov (known on social media as Viktor Kolosov) is accused of committing this "crime" in two online conversations in the "Overhead in Stavropol" group on the VKontakte social network in the autumn of 2014.

The two conversations he is accused of holding disparage beliefs held by some Christians but do exercise his internationally-recognised right to freedom of religion or belief (see F18News 3 December 2015 http://www.forum18.org/archive.php?article_id=2128).

Criminal Code Article 148 came into force on 1 July 2013 and critics noted it was so poorly defined that it (and the similarly aimed new Code of Administrative Offences Article 5.26) could be used to prosecute actions officials simply dislike. Considerable disagreement exists in both the Russian Orthodox Church (Moscow Patriarchate) and Russian society over the criminalisation of

"insulting religious feelings" (see F18News 14 August 2013 http://www.forum18.org/archive.php?article_id=1864).

Krsanov's preliminary hearing, postponed to allow his lawyer to become acquainted with the case, took place in closed conditions on 19 January 2016 at Magistrate's Court No. 6 before Magistrate Aleksandr Filimonov. The case had already been transferred from Industrial (Promyshlenny) District Court at the Prosecutor's request in November 2015.

Taganrog 16 Jehovah's Witnesses appeal

Sixteen Jehovah's Witnesses found guilty of "extremist" activity in November 2015 have appealed against their convictions, Jehovah's Witnesses have told Forum 18.

The 14 men and two women received heavy fines (which the judge waived) and suspended prison sentences at Taganrog City Court after a re-trial lasting more than 60 hearings over ten months (see F18News 3 December 2015 http://www.forum18.org/archive.php?article_id=2128). They were convicted of "continuing the activities of an extremist organisation" by meeting to pray and read the Bible after their community was liquidated in 2009.

Although the fines were waived (as the two-year statute of limitations had expired) and the jail sentences were suspended, all the defendants submitted appeals on 10 December 2015, Jehovah's Witness spokesperson Ivan Belenko told Forum 18 on 15 January 2016. No hearing date has yet been set. (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.

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