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RUSSIA: Eleven new "extremism" criminal trials?

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

Eleven further Muslims face criminal prosecution for reading works of theologian Said Nursi the authorities claim are "extremist". Five are in pre-trial detention and three under travel restrictions. A twelfth has already been given a two-year suspended sentence, the first for sharing Nursi's works online.

In separate cases in four different Russian regions, 11 Muslims are known to be facing criminal charges of "extremist activity" for reading the works of the late Turkish theologian Said Nursi, Forum 18 has found. Five men are being held in pre-trial detention and three have been placed under travel restrictions. Of the others, one has been released on bail, one's whereabouts is unknown, and another is currently outside the country. The FSB security service is continuing its investigations of all of them.

A twelfth Muslim who reads Nursi's books has been given a two-year suspended sentence by a court in Chelyabinsk for sharing their contents on social media.

Among the five prisoners of conscience imprisoned in pre-trial detention, one has been banned from praying in prison. Another sentenced earlier for reading Nursi's works has been ordered to the prison's "internal jail" for six months without the right of correspondence (see below).

The 11 accused are being prosecuted under either 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 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"). If convicted under Part 1, they could receive fines of 300,000 to 500,000 Roubles, compulsory labour of up to five years or prison sentences of two to eight years. If convicted under Part 2, fines of up to 300,000 Roubles, compulsory labour of up to three years, or prison sentences of up to four years.

Each 100,000 Roubles (13,000 Norwegian Kroner, 1,400 Euros or 1,570 US Dollars) is equivalent to about three months' average wages for those in work.

Harsher punishments awaited

These punishments, last increased in 2014, are about to become even harsher under an amendment to the Criminal Code adopted by parliament's lower chamber, the State Duma, on 24 June as part of a package of anti-terrorism and public security laws. The upper chamber, the Federation Council, approved the amendment on 29 June, alongside many other legal changes in the package including the introduction of restrictions on "missionary" activity (see F18News 4 July 2016 http://www.forum18.org/archive.php?article_id=2195).

If President Vladimir Putin signs the new amendments into law, the following penalties will be imposed:

Part 1: a fine of 400,000 to 800,000 Roubles; or 2 to 4 years' income; or 6 to 10 years' imprisonment with a ban on working in one's profession of up to 10 years and restrictions on freedom for 1 to 2 years.

Part 2: a fine of 300,000 to 600,000 Roubles; or 2 to 3 years' income; or compulsory labour for 1 to 4 years with a ban on working in one's profession for up to 3 years or with restrictions on freedom for up to 1 year; or 2 to 6 years' imprisonment with a ban on working in one's profession for up to 5 years or with restrictions on freedom for up to 1 year.

Even if this amendment is signed into law, the 11 men currently facing charges would be tried under the old regulations.

Banned books, banned "organisation"

All four ongoing prosecutions have arisen from circumstances similar to those of previous cases, in which people who have met to

read and discuss Nursi's books are accused of creating "cells" of the banned "extremist" organisation "Nurdzhular", which Muslims in Russia deny exists. They are then charged under Criminal Code Article 282.2, either under 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 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").

Nothing in Nursi's writings appears to advocate hatred, violence, or the violation of any human right. Despite this, numerous Russian lower courts have ruled that various Russian translations of his works (and of some other Islamic and 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 homes, can render 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).

The grounds 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. The primary cause, however, 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.

Financial penalties even if not convicted

The names of nine of the 11 Muslims awaiting trial currently appear on 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 per month.

Yakov Tselyuk, convicted in Chelyabinsk (see below), has also been added to the list.

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".

Suspended sentence for sharing Nursi online

In what appears to be the first criminal conviction for sharing Nursi's writings on the internet, a 31-year-old resident of Chelyabinsk in Siberia received a two-year suspended prison sentence at the city's Soviet District Court on 18 May.

Judge Aleksandr Zimin found Yakov Tselyuk guilty 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"), of distributing audiobook versions of Nursi's works on the VKontakte social network between November 2012 and February 2013. According to a 19 May statement by the Chelyabinsk Regional Prosecutor's Office, this activity was aimed at "the involvement of new members in the religious organisation from among social network users through persuasion, offering reading materials and promoting activities of 'Nurdzhular'".

The telephone at the Regional Prosecutor's Office went unanswered when Forum 18 called on 29 June to ask why Tselyuk's actions had been considered a criminal offence.

Despite avoiding incarceration, Tselyuk will be on probation for two years and under restriction of freedom for one year. No written verdict has been made available, but according to Article 53 of the Criminal Code, these limitations mean that Tselyuk may not be able to leave Chelyabinsk, participate in or go near large public events, or move house or change his place of work (without the agreement of the relevant state authorities). During the one-year term, he will have to register with the authorities between one and four times every month.

If Tselyuk does not abide by these terms, the court may order that he be imprisoned or sentenced to compulsory labour for a period of one day for every two days of the period of restriction of freedom.

Krasnoyarsk

In Krasnoyarsk, 37-year-old Andrei Dedkov is undergoing his third criminal investigation in six years for alleged involvement in

"Nurdzhular", in a case which appears to be beset by delays. After raids and searches carried out at several homes in the city, Dedkov was arrested on 13 March while travelling to Kazakhstan, and later 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 organising a "cell" of "Nurdzhular" adherents. His pre-trial detention has been extended until 13 July.

In jail, Dedkov is "moved from room to room", a fellow Muslim who also reads Nursi's works told Forum 18 on 22 June, and is "not allowed to perform morning or evening prayers, on the grounds that this is a violation of internal regulations". He added that Dedkov's case has already had three investigators and is now the responsibility of a fourth, but that no investigative work is being done and nobody is being summoned for questioning. It therefore remains unknown when the case will come to trial.

Forum 18 called the jail in Krasnoyarsk on 28 June and asked why Dedkov was not being permitted to pray. A spokeswoman said she could not answer this question and advised Forum 18 to contact the prison director, Colonel Ivan Kakoulin, by post.

Dedkov's prison address is:

660075 Krasnoyarskaya Oblast

Krasnoyarsk

ulitsa Respubliki 72

Sledstvenny Izolyator No. 1

Another Krasnoyarsk Muslim, 22-year-old Andrei Rekst, was charged on 21 March 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"), the Moscow-based human rights group Memorial noted. He was released on bail 48 hours after he was arrested with Dedkov.

Forum 18 wrote to the Krasnoyarsk FSB on 6 April to enquire when the case is likely to come to court and why Dedkov was considered dangerous. Forum 18 had received no reply as of the end of the Krasnoyarsk working day of 29 June.

Dedkov was first prosecuted for reading Nursi's works in 2010, but the case against him and three fellow Muslims – Aleksei Gerasimov, Yevgeny Petry and Fizuli Askarov – ran out of time in February 2012 (see F18News 5 March 2012 http://www.forum18.org/archive.php?article_id=1675).

Dedkov then faced identical charges in 2014-5, and was convicted alongside Aleksei Kuzmenko on 18 December 2015 at Soviet District Court (see F18News 21 January 2016 http://www.forum18.org/archive.php?article_id=2141). They were fined 150,000 Roubles and 100,000 Roubles respectively. On 26 January 2016, Krasnoyarsk Regional Court upheld Dedkov and Kuzmenko's convictions but waived their fines as the two-year statute of limitations had expired by the time their appeal was heard.

Blagoveshchensk

Yevgeny Kim's conditions in pre-trial detention in Blagoveshchensk are "tolerable", his friend Anton Starodubtsev told Forum 18 on 25 June. Kim, 41, was arrested on suspicion of involvement in "Nurdzhular" in December 2015. His detention period was extended by court order until 27 June. Forum 18 has been unable to find out if this has been extended further.

Starodubtsev himself, previously involved in the case only as a witness, has now also been charged 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").

The address of Blagoveshchensk's Investigation Prison, where Forum 18 believes Kim to be detained, is:

675007 Amurskaya Oblast

Blagoveshchensk

Seryshevsky pereulok 55

Sledstvenny Izolyator No. 1

Kim, Starodubtsev, and several of their friends were detained and interrogated after an armed unit of the FSB raided Kim's flat on 26 December 2015, during a gathering to celebrate the birthday of the Muslim Prophet Mohammed (see F18News 21 January 2016

http://www.forum18.org/archive.php?article_id=2141). All but Kim were later released.

Starodubtsev has since complained of the treatment they received during both arrest and questioning, including threats and attempted blackmail, and has categorically denied any involvement in extremist activity, (see F18News 11 April 2016 http://www.forum18.org/archive.php?article_id=2166).

Novosibirsk

Imam Komil Odilov, charged for the second time with organising "extremist" activity for reading Nursi's works, also remains in pre-trial detention. This was most recently renewed for two months until 2 August (making a total of eight months since his arrest), Ilhom Merazhov, a fellow imam who has been following the case, told Forum 18 on 30 May.

Odilov's prison address is:

630010 Novosibirskaya Oblast

Novosibirsk

ulitsa Karavayeva 1

Sledstvenny Izolyator No. 1

Thirteen people are being held in Odilov's cell with beds for only eight, a fellow Muslim told Forum 18 on 22 June, so "they take turns to sleep". Odilov is also undergoing psychiatric evaluation.

Odilov 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"). Three other Novosibirsk Muslims – 61-year-old Uralbek Karaguzinov, 18-year-old Mirsultan Nasirov and 28-year-old Timur Atadzhanov – have been charged alongside him 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"). Karaguzinov and Nasirov have been placed under travel restrictions, while Atadzhanov's whereabouts are unknown and he has been added to the federal wanted list.

The men were among nine Muslims originally detained by the FSB at an Azerbaijani cafe in Novosibirsk on the night of 5 December 2015, Vitaly Ponomarev reported for Memorial on 7 April. Most were released the next morning after questioning, but their homes were searched. Copies of Nursi's books were seized from Odilov's flat, along with his computer and phone. He has remained in custody ever since.

Dagestan

After multiple FSB raids across the north Caucasian republic of Dagestan in March, three more Muslims who read Nursi's books are awaiting trial in Makhachkala. Two of them – 34-year-old Ziyavdin Dapayev and 34-year-old Sukhrab Kaltuyev – remain in detention, while Kaltuyev's 30-year-old younger brother Artur (also known as Ramazan) is under travel restrictions. Dapayev faces charges 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"). The Kaltuyevs 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").

"During his arrest, [Sukhrab] Kaltuyev suffered torn ligaments in his hand, although he offered no resistance," a fellow Muslim who reads Nursi's works told Forum 18 on 22 June, adding that Kaltuyev had not been allowed to see a doctor for his injuries.

The raids in four Dagestani cities – Makhachkala, Khasavyurt, Izberbash, and Derbent – resulted in the seizure of hundreds of books, including allegedly "extremist" material, as well as suspects' computers and phones. Fourteen people were arrested, most of whom were later released.

Forum 18 wrote to the FSB's branch in Dagestan on 7 April, asking when the case was likely to come to court and why Muslims who read Nursi's works are considered dangerous. Deputy director of the Dagestan FSB Vyacheslav Nazarov responded on 4 May, confirming only that it had opened a case related to "Nurdzhular" activity on 4 March, and that the preparatory investigation would last two months. "The circumstances and progress of the investigation of a criminal case constitute an investigatory secret, in accordance with which official information will be published upon its completion," Nazarov added.

Ziyavdin Dapayev and Sukhrab Kaltuyev's prison address is:

367012 Respublika Dagestan

Makhachkala

ulitsa Levina 45

Sledstvenny Izolyator No. 1

Dapayev was previously convicted of "extremist" activity for alleged involvement in Nurdzhular in May 2011 and received a three-year suspended sentence (see F18News 10 October 2011 http://www.forum18.org/archive.php?article_id=1623).

Ulyanovsk

The 32-year-old Bagir Kazikhanov, convicted and imprisoned in 2015 for studying Nursi's writings, has been held in the "internal jail" of his labour camp for six months without the right to communication after an inspection by a senior prison official, a fellow Muslim told Forum 18 on 22 June. "It seems that the General asked what he was in prison for, and he didn't like Kazikhanov's answer."

Kazikhanov is incarcerated at Omutninsk in Kirov Region, having been sentenced in February 2015 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"), to three and a half years' imprisonment. The judge at Ulyanovsk's Lenin District Court found him guilty of setting up a "cell" on instructions of "the steering centre of Nurdzhular". He was the first reader of Nursi's works to receive a jail term since September 2013, and the first to be sentenced under the harsher provisions introduced in February 2014.

Kazikhanov's prison address is believed to be:

612744 Kirovskaya oblast

Omutninsk

Ul. Trudovikh rezervov

Ispravitel'naya koloniya 17

Kazikhanov's fellow defendants, Stepan Kudryashov and Aleksandr Melentyev, were 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"), and received suspended sentences of two years and one year and eight months respectively (see F18News 6 March 2015 http://www.forum18.org/archive.php?article_id=2046).

Stavropol atheist

The trial in Stavropol of an atheist blogger charged under Article 148, Part 1 of the Criminal Code ("Public actions, expressing obvious disrespect for society and committed with the intention of insulting the religious feelings of believers") has been suspended to allow further expert analysis to be carried out. 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 autumn 2014.

He is accused of disparaging beliefs held by some Christians. Nevertheless, Krasnov was exercising his internationally-recognised right to freedom of religion or belief (see F18News 3 December 2015 http://www.forum18.org/archive.php?article_id=2128).

At Krasnov's seventeenth appearance at Magistrate's Court No. 6 on 28 June, Judge Aleksandr Filimonov ordered that psychological and linguistic experts should attempt to ascertain whether it is possible to discern the "communicative purpose" of Krasnov's remarks based only on fragments of text and whether Krasnov's remarks contained language which was abusive towards individuals, beliefs or "attributes of faith" on the grounds of belonging to the Orthodox Church.

It is unknown when the trial will resume. (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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If you need to contact F18News, please email us at:
f18news@editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY