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RUSSIA: Three more Muslim prisoners of conscience

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

Three Muslim prisoners of conscience have been jailed, one for four years for organising meetings to study Said Nursi's works, and the other two for three years each. A Danish Jehovah's Witness prisoner of conscience has had his Russian detention extended.

At the end of a trial lasting seven months from April, three Muslims in Dagestan received prison terms for meeting to read the works of the late Turkish theologian Said Nursi. A court in Makhachkala sentenced prisoner of conscience Ziyavdin Dapayev to four years in jail, and prisoners of conscience Sukhrab and Artur Kaltuyev to three years each. All three Muslims are being held in custody while their appeal is pending. The court also ordered many works by Nursi, as well as one about him, to be destroyed.

A judge in Novosibirsk, meanwhile, has ruled that the cases against two Muslim men also accused of participation in the banned "extremist" organisation "Nurdzhular" should be closed, and the men obliged to pay judicial fines. A third defendant in Novosibirsk, charged with the more serious offence of "organisation" of "extremist" activity, is still awaiting trial (see below).

In June, Muslim prisoner of conscience Yevgeny Kim was jailed for three years and nine months in Blagoveshchensk for meeting to study Nursi's works (see F18News 23 June 2017 http://www.forum18.org/archive.php?article_id=2290).

A court in Oryol has extended until February 2018 the pre-trial detention of prisoner of conscience and Danish citizen Dennis Christensen. He faces "extremism" charges after a Bible study meeting in which he was participating was raided (see below).

Jehovah's Witnesses may also be charged with other "extremism"-related Criminal Code offences. The trial of Arkadya Akopyan is due to resume in Prokhladny in Kabardino-Balkariya on 10 January 2018 (see below).

Turkish company Sözlér, which published Nursi's works in Russian before they were banned as "extremist", has accused state agencies of falsifying witness testimony used in criminal cases. It has appealed to the General Prosecutor's Office to investigate. Sözlér representative Sergei Mikhailov asserts that these falsified witness statements supported prosecution cases which led to individuals being jailed (see F18News 11 December 2017 http://www.forum18.org/archive.php?article_id=2340).

Targeting Jehovah's Witnesses and Muslims who read Nursi's works

Since 2007, both Muslims who study Nursi's works and Jehovah's Witnesses have been particularly targeted by the authorities (see Forum 18's Russia "extremism" religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Typically, such Muslims meet in private homes to study Islam, with one or more expounding on Nursi's works. They also pray, eat, and drink tea together. They do not seek any state permission for such meetings.

The state interprets such meetings as organised activity by an organisation called "Nurdzhular" (derived from the Turkish for "Nursi followers"). "Nurdzhular" was ruled "extremist" and prohibited by the Supreme Court in 2008, despite the fact that Muslims in Russia deny such an association even exists. Many Russian translations of Nursi's books have been banned, despite their not calling for violence or the violation of human rights (see Forum 18's Russia "extremism" religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Subsequently, people who have met to study Nursi's books have been prosecuted under Criminal Code Article 282.2 ("Organisation of" or "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").

Since courts began in 2009 to outlaw Jehovah's Witness communities as "extremist", individual Jehovah's Witnesses have been and continue to be prosecuted under Criminal Code Article 282.2 (see F18News 25 August 2017 http://www.forum18.org/archive.php?article_id=2310). The first such community ban was the Taganrog congregation in 2009, such bans accelerating from 2014 and culminated in a nationwide ban in April 2017 (see F18News 18 July 2017 http://www.forum18.org/archive.php?article_id=22297).

Dagestan: three more Muslim prisoners of conscience jailed

Ziyavdin Badirsoltanovich Dapayev (born 12 May 1982) and brothers Sukhrab Abdulgamidovich Kaltuyev (born 13 November 1981) and Artur Abdulgamidovich Kaltuyev (born 15 June 1986) were sentenced on 7 November at Lenin District Court in Dagestan's capital, Makhachkala, according to the verdict seen by Forum 18.

The criminal cases were launched after the Dagestan FSB launched simultaneous raids on homes in four cities of the republic in March 2016. Dapayev and Sukhrab Kaltuyev were arrested, while Artur Kaltuyev was placed under travel restrictions. The men's trial began on 3 April 2017 (see F18News 12 May 2017 http://www.forum18.org/archive.php?article_id=2279).

Prisoner of conscience Dapayev received a total of four years' imprisonment – three years resulting from the current case, plus the one year remaining of his previous conditional sentence. Prisoners of conscience Sukhrab and Artur Kaltuyev each received three years' imprisonment. All three men will serve their terms in a general-regime labour camp, should the verdict come into force. They will not be subject to further restrictions on freedom or deprivation of employment rights upon release.

Dapayev had already spent 20 months in pre-trial detention from March 2016 when the November 2017 verdict was handed down. Sukhrab Kaltuyev had spent six months in pre-trial detention in 2016 before being released under travel restrictions. Artur Kaltuyev had spent 20 months from March 2016 under travel restrictions (see F18News 12 May 2017 http://www.forum18.org/archive.php?article_id=2279). The Kaltuyev brothers were taken into custody after the November 2017 verdict was handed down.

According to the written verdict, time spent in pre-trial detention (Dapayev and Sukhrab Kaltuyev) and under travel restrictions (Sukhrab Kaltuyev and Artur Kaltuyev) is to be set against the length of the sentence, but Judge Magomed Nasrutdinov did not specify exactly by how much this will reduce the time in prison.

The three men have submitted appeals against their convictions to Dagestan's Supreme Court, a fellow Muslim who reads Nursi's works told Forum 18 on 29 November. No hearing date has yet been set. Judge Nasrutdinov ruled that all three are to be kept in detention until their sentences come into force.

Dapayev was convicted on similar "extremism"-related charges on 18 May 2011 and given a three-year suspended sentence (see F18News 10 October 2011 http://www.forum18.org/Archive.php?article_id=1623).

Judge Nasrutdinov accused Dapayev of "not taking the path of correction" after his 2011 conviction and of working "to select and teach candidates from among Muslim citizens for joining this prohibited religious association", while "fully realising the criminal nature and public danger of his actions".

Religious literature ordered destroyed

Judge Nasrutdinov's verdict also states that large quantities of Nursi's works confiscated from the defendants' homes during raids in March 2016 are to be destroyed, together with a Russian translation of "Islam in Modern Turkey: an Intellectual Biography of Bediuzzaman Said Nursi" by Mary Weld (Sukran Vahide) (see F18News 11 April 2016 http://www.forum18.org/archive.php?article_id=2166). Dapayev's laptop and mobile phone are to be returned to him. Confiscated flash drives and discs of recorded evidence will be retained in storage.

Courts are increasingly ordering the destruction of religious literature confiscated in raids which lead to criminal or administrative cases. Many of the items ordered destroyed – especially Nursi's books and Jehovah's Witness publications – have been banned by various courts and placed on the Federal List of Extremist Materials. More recently, courts have ordered Bibles and Hindu literature – including "The Bhagavad Gita As It Is" – to be destroyed (see F18News 1 March 2017 http://www.forum18.org/archive.php?article_id=2261).

Punished for religious study, tea, prayers

In Dapayev's description of the meetings he led in his and Sukhrab Kaltuyev's flat in Makhachkala, he would read out a text by Nursi and explain it. Participants would then chat informally over tea. This would be followed by evening prayers. Artur Kaltuyev argued that his intention in teaching people about Nursi's works was that they should "receive Islamic knowledge".

Although all three defendants agreed that they were "followers" of Said Nursi, had led or attended study sessions on his writings, and had travelled to Turkey for conferences, they refused to admit any guilt in court. They argued that they "did not engage in extremist activities, did not infringe upon the rights and freedoms of the individual, did not teach young people in the spirit of the doctrine of the 'Nurdzhular' association in order to establish a worldwide caliphate, and, in general, [argued] that their activity in studying the works of Said Nursi and teaching others does not relate to the extremist organisation 'Nurdzhular'".

The court considered these arguments "untenable" and "completely refuted" by the evidence. It concluded that the men were pursuing 'Nurdzhular's goal of "the Islamisation of the state".

Judge Nasrutdinov permitted the testimony for the defence of Sergei Mezentsev, doctor of philosophy at Moscow Construction Research University, who stated that Nursi's works do not contain calls to "extremism" or the establishment of a caliphate. The court considered his testimony "unreliable" as the state's "expert analysis" of surveillance materials had allegedly established that the defendants' meetings "contained direct and indirect indications of belonging to the religious organisation 'Nurdzhular', which is based on the study of the works of Said Nursi".

The court also rejected the defence's submission of expert psycholinguistic analysis from 2010 which stated that Nursi's books do not contain calls to carry out "extremist" activity. The judge argued that this analysis dated from Dapayev's previous case and was therefore irrelevant to current proceedings.

Novosibirsk: Two criminal cases closed, two investigations continue, two awaiting court

October District Court in Novosibirsk has closed the criminal cases against two Muslims accused of involvement in "Nurdzhular". Two more Muslims, allegedly part of the same "cell", remain under investigation – although neither is available to stand trial. A fifth and sixth – an Uzbek refugee and alleged "cell" leader Komil Odilov – have been formally charged but are still awaiting a court date.

Judge Yelena Sokolova ruled on 15 November that pensioner Uralbek Karaguzinov (born 21 July 1954) and undergraduate student Mirsultan Takhir-ogly Nasirov (born 8 October 1997) should each pay a judicial fine of 90,000 Roubles (12,700 Norwegian Kroner, 1,300 Euros or 1,500 US Dollars) under Criminal Code Article 76.2. This stipulates that people who have committed a minor or moderate-severity offence for the first time may be "released from criminal liability" by a court if they pay a fine which compensates for the damages caused (see F18News 7 November 2017 http://www.forum18.org/archive.php?article_id=2332).

Ostensibly, these fines are a considerably lighter punishment than that which Karaguzinov and Nasirov may have received had they undergone a full trial and been found guilty. Their alleged offence under the pre-2016 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"), carries fines of up to 300,000 Roubles, compulsory labour of up to three years, or imprisonment of up to four years (see Forum 18's Russia "extremism" religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Karaguzinov and Nasirov will also have no criminal record as a result, but a fellow Muslim who has been following the case described the outcome to Forum 18 as "a deceit", which may have negative consequences for the other people targeted in the same investigation. Having agreed to accept a judicial fine rather than a trial, he explained, Karaguzinov and Nasirov then had to plead guilty to the charges of involvement in a banned "extremist" organisation – "that is, they recognised the existence of the organisation [Nurdzhular] ..thus, [investigators] received 'evidence' of Odilov's guilt as the 'organiser'".

Komil Odilovich Odilov (born 18 August 1975) 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") (see F18News 7 November 2017 http://www.forum18.org/archive.php?article_id=2332). His lawyer Yuliya Zhemchugova told Forum 18 on 29 November that they have now finished familiarising themselves with the case materials, but do not know when the case will come to court. Analysis of the case by a religious studies expert, Zhemchugova observed, found "no signs of extremism and no differences from traditional Islam" in Odilov and his fellow Muslims' actions.

The FSB security service opened a criminal case against Odilov, Karaguzinov, Nasirov, and Timur Muzafarovich Atadzhanov (born 21 April 1988) in December 2015 after they and several other Muslims were detained at a cafe in Novosibirsk (see F18News 21 January 2016 http://www.forum18.org/archive.php?article_id=2141).

The FSB security service also recently opened an investigation of Imam Ilhom Merazhov under Criminal Code Article 282.2, Part 1 (see F18News 7 November 2017 http://www.forum18.org/archive.php?article_id=2332). Merazhov now lives abroad. Atadzhanov also remains under investigation under Criminal Code Article 282.2, Part 2, and, as his whereabouts are unknown, he has been placed on the federal wanted list (see F18News 1 February 2017 http://www.forum18.org/archive.php?article_id=2251).

Odilov, Atadzhanov, Karaguzinov, Nasirov, and Merazhov are all on the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists". This imposes a freeze on their financial assets and strict limits on their financial transactions (see Forum 18's Russia "extremism" religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

The sixth Muslim from Novosibirsk accused of involvement in "Nurdzhular" is Uzbek citizen Bobirjon Tukhtamurodov. Investigators initially treated him as a witness, but, on 31 October 2017, he was also charged under Criminal Code Article 282.2, Part 2. Odilov's lawyer Yuliya Zhemchugova told Forum 18 on 29 November that Tukhtamurodov is the one now facing the

"biggest problem" – he has temporary refugee status in Russia, having fled from his home country of Uzbekistan. If he is tried and found guilty, he will lose this protection and may be deported back to Uzbekistan.

There, Zhemchugova said, he would face "torture and ill-treatment" (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314). She added that, for a month before the FSB security service initiated the criminal case against him, Tukhtamurodov and his family in Uzbekistan were harassed by the Uzbek security services, who put pressure on him to return to Uzbekistan – they have promised to act leniently towards him, but he has not acquiesced.

Uzbekistan has been seeking Tukhtamurodov's return to face criminal charges for participating in an unregistered religious community since 2010. Russia ruled that he should be extradited back to Uzbekistan, but Tukhtamurodov – who was detained by the Russian authorities for seven months - succeeded in having that decision overturned. The European Court of Human Rights in Strasbourg told the Russian government in 2014 that he should not be handed over to Uzbekistan (see F18News 15 April 2014 http://www.forum18.org/archive.php?article_id=1947).

Other Nursi-related prosecutions

The only trials of Nursi readers known to be ongoing as of 8 December are the separate but related prosecutions of Andrei Nikolayevich Dedkov (born 16 June 1979) and Andrei Gennadyevich Rekst (born 14 March 1994) in Krasnoyarsk. Both criminal trials in two different city courts began in May (see F18News 12 May 2017 http://www.forum18.org/archive.php?article_id=2279).

Dedkov 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"), and has so far undergone eight hearings at Soviet District Court, the most recent on 7 December. The trial is due to continue on 14 December. He was initially held in pre-trial detention but is currently under travel restrictions.

Rekst, who is free on bail, is being tried at Sverdlovsk District Court 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 thirteenth hearing in his case is due to take place on 21 December.

Another Muslim from Dagestan, Ilgar Vagif-ogly Aliyev, remains in pre-trial detention in Makhachkala as the FSB security service investigation of his case continues. His detention will be reconsidered by a court in late December. There is currently no indication of when he will come to trial. Aliyev was arrested in April for leading study groups on Nursi's works (see F18News 12 May 2017 http://www.forum18.org/archive.php?article_id=2279).

Jehovah's Witness prosecutions

A judge at Oryol's Soviet District Court has extended the pre-trial detention of Danish Jehovah's Witness prisoner of conscience Dennis Ole Christensen for a further three months, until 23 February 2018 (by which time he will have been in custody for nine months). Investigators accuse him of "continuing the activities" of the Oryol Jehovah's Witness community, which was banned and liquidated as "extremist" in June 2016. He denies the charges.

In a three-hour hearing on 20 November, Judge Andrei Tretyakov refused to allow Christensen to return home under house arrest. He also declined to consider the Danish Embassy's guarantee that it would not issue him with a new passport or otherwise help him leave the country, Jehovah's Witnesses stated the same day.

Prisoner of conscience Christensen was detained in May 2017 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"), when police and FSB security service officers raided a Bible study meeting in Oryol (see F18News 22 June 2017 http://www.forum18.org/archive.php?article_id=2290).

The criminal trial of Jehovah's Witness elder Arkadya Akopovich Akopyan continues at Prokhladny District Court in Kabardino-Balkariya. His next hearing is due to take place on 10 January 2018.

Akopyan has been charged under Criminal Code Article 282, Part 1 ("Actions directed at the incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of an individual or group of persons on the basis of sex, race, nationality, language, origin, attitude to religion, or social group"). He is accused of giving sermons in which he "degraded the dignity of adherents of other religions", as well as of distributing banned "extremist" literature among members of his congregation (see F18News 22 June 2017 http://www.forum18.org/archive.php?article_id=2290). (END)

For more background see Forum 18's surveys of the general state of freedom of religion and belief in Russia at http://www.forum18.org/Archive.php?article_id=2246, and of the dramatic decline in this freedom related to Russia's Extremism

Law at http://www.forum18.org/Archive.php?article_id=2215.

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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