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RUSSIA: Ten years' jail for religious study meetings?

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

Ilgar Aliyev – a Muslim who studied Islam with others using books by theologian Said Nursi – faces up to 10 years' imprisonment if convicted at his Dagestan trial. Imam Komil Odilov faces up to eight years on similar charges. The criminal trials of two others have lasted nearly a year.

Two more criminal trials have begun of Muslims accused of "extremist" activity for meeting to read the works of late Turkish theologian Said Nursi. Dagestan resident Ilgar Aliyev – who faces up to 10 years' imprisonment if convicted - is the first person to be prosecuted for this alleged offence after harsher punishments were introduced by amendments to the Criminal Code in July 2016.

The case against Imam Komil Odilov, which the FSB security service opened before these amendments, is now being heard in the Siberian city of Novosibirsk. He faces up to eight years' imprisonment if convicted (see below).

Meanwhile, hearings continue in the cases of two other men facing similar charges in the Siberian city of Krasnoyarsk. Both trials have now lasted for nearly a year (see below).

Uzbek citizen Bobirjon Tukhtamurodov, who was fined for meeting with other Muslims to read Nursi's works, remains at risk of deportation to Uzbekistan and torture. This is despite the European Court of Human Rights (ECtHR) in Strasbourg ruling in 2014 that Russia should not deport him to Uzbekistan (see below).

In 2017 four Muslim prisoners of conscience were jailed for meeting with others to read Nursi's works. All four remain in jail (see below).

Muslims punished for meeting to study Islam

Since 2007, Muslims who study Nursi's works 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.

Courts have banned many Russian translations of Nursi's books, 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 the 2017 liquidation of the Jehovah's Witness Administrative Centre as an "extremist" organisation, Jehovah's Witnesses in Russia are now also in danger of being prosecuted under Criminal Code Article 282.2 if they continue to meet for worship or Bible study. In some towns, this was already a danger after earlier "extremism" bans on local communities.

The criminal trial under this Article of Jehovah's Witness Dennis Christensen began in Oryol on 19 February. Three more criminal investigations against other Jehovah's Witnesses in Oryol, Belgorod and Kemerovo are currently underway (see F18News 20 February 2018 http://www.forum18.org/archive.php?article_id=2355).

Punishments

Amendments to the Criminal Code in July 2016 introduced harsher penalties for "extremism"-related offences (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=2215).

An individual charged since then (such as Ilgar Aliyev in Dagestan) could be sentenced to the following 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"):

Part 1 – a fine of 400,000 to 800,000 Roubles (or two to four years' salary); or six to 10 years' imprisonment followed by restrictions on pursuing certain jobs and activities for up to 10 years and restrictions on freedom for one to two years;

Part 2 – a fine of 300,000 to 600,000 Roubles (or two to three years' salary); compulsory labour for one to four years with possible restrictions on pursuing certain jobs and activities for two to six years; or two to six years' imprisonment followed by restrictions on pursuing certain jobs and activities for up to five years or restrictions on freedom for up to a year.

A fine of 300,000 Roubles (42,000 Norwegian Kroner, 4,350 Euros or 5,300 US Dollars) is about eight months' average wages for those in formal work.

For any defendant whose alleged offence took place before 20 July 2016 (such as Komil Odilov and the two Muslims on trial in Krasnoyarsk), earlier provisions remain in place, with fines of 300,000 to 500,000 Roubles, compulsory labour of up to five years or prison sentences of two to eight years under Part 1, and fines of up to 300,000 Roubles, compulsory labour of up to three years, or prison sentences of up to four years under Part 2.

Four current known prisoners of conscience

In 2017, four Muslims were given criminal convictions and jailed to punish them for meeting with others to read Nursi's works. All four prisoners of conscience are still in jail as of 1 March 2018:

– On 7 November 2017 at Lenin District Court in Makhachkala, Ziyavdin Badirsoltanovich Dapayev was sentenced to four years in a general-regime labour camp;

– in the same trial Sukhrab Abdulgamidovich Kaltuyev and Artur Abdulgamidovich Kaltuyev were sentenced to three years each (see F18News 7 December 2017 http://www.forum18.org/archive.php?article_id=2339);

– and in a separate trial, on 19 June 2017 Yevgeny Lvovich Kim was sentenced to three years and nine months' imprisonment at Blagoveshchensk City Court (see F18News 23 June 2017 http://www.forum18.org/archive.php?article_id=2290). Prisoner of conscience Kim has been seriously tortured, and is serving his term at Labour Camp No. 3 in Khabarovsk (see F18News 7 November 2017 http://www.forum18.org/archive.php?article_id=2332).

All the Muslim prisoners of conscience jailed before 2017 to punish them for meeting to study Nursi's works have been freed after completing their sentences (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=2215).

Dagestan: Criminal trial underway

The trial of Ilgar Vagif-ogly Aliyev for alleged involvement in "Nurdzhular" is underway in his home town of Izberbash, a town on the Caspian Sea in Dagestan in the north Caucasus. He has so far undergone four hearings before Judge Magomed Murtazaliyev at Izberbash City Court, most recently on 8 February, and is next due to appear on 13 March, according to a fellow Muslim who has been following the case.

Prosecutors have charged Aliyev under Article 282.2, Part 1 (organising the activities of a banned extremist organisation) for holding gatherings of fellow Muslims to study Nursi's works.

The FSB security service arrested Aliyev during an armed raid on the night of 19-20 April 2017 (see F18News 12 May 2017 http://www.forum18.org/archive.php?article_id=2279). He has since been held in pre-trial detention as the FSB investigation proceeded. Apart from confirming on 30 May 2017 that a criminal investigation of Aliyev was underway, the Dagestan FSB has refused to answer Forum 18's questions about the case.

Aliyev, an Azerbaijani-born Russian citizen, "does not dispute that he read some books", according to his lawyer Magomedrasul Zapirov, "but he denies that he worked against Russia".

In December 2017, when his case reached court, Aliyev was transferred from Investigation Prison No. 1 in Makhachkala to

Investigation Prison No. 2 in Derbent. He is taken from there to Izberbash each day of the trial, a fellow Muslim who is following the case explained to Forum 18 on 14 February.

Conditions in the detention facility in Derbent are "better than in Makhachkala", the fellow Muslim added on 21 February. "There are no problems with reading the Koran or performing prayers in Dagestan. All food is halal." Lawyer Zapirov also confirmed that his client's "conditions are good" in both Derbent and Makhachkala.

Forum 18 asked the Dagestan Republic Prosecutor's Office in writing on 21 February what sentence it is seeking in Aliyev's case and in what way he is considered dangerous. Forum 18 received no reply by the end of the Dagestan working day of 1 March.

Aliyev has not been added to the Rosfinmonitoring list of terrorists and extremists", whose assets banks are obliged to freeze (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=2215).

Dagestan: Supreme Court rejects three appeals

Aliyev is the fourth Muslim in Dagestan to face charges relating to "Nurdzhular" in the space of a year. 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 convicted under Article 282.2, Part 1, in November 2017 and received prison terms of three to four years (see F18News 8 December 2017 http://www.forum18.org/archive.php?article_id=2339).

Dapayev and the Kaltuyev brothers appealed against the sentences to Dagestan's Supreme Court, but it upheld the convictions on 10 January 2018.

According to their case file, seen by Forum 18, Aliyev was among those who visited the house where they met to discuss Nursi's books – he was not, however, formally involved in the three men's case.

Novosibirsk: First trial underway

The trial of Imam Komil Odilov has begun in Novosibirsk. His is the only one of six related prosecutions in the city to have reached court so far. The cases against three other men have been closed, while one is now living abroad and another's whereabouts are unknown.

Odilov has so far made two appearances at October District Court in Novosibirsk, on 28 December 2017 and 20 February 2018, according to the court website. At these hearings, the indictment was read out and the questioning of a prosecution witness – an officer of the police Centre for Combating Extremist Activity – began, Odilov's lawyer Yuliya Zhemchugova told Forum 18 on 20 February. The next hearing is due on 2 March.

Prosecutors have charged Odilov under Article 282.2, Part 1, with organising a "cell" of "Nurdzhular" in Novosibirsk. He denies the charges and insists that the alleged organisation does not exist and that he has never engaged in extremist activity.

Odilov was among nine people detained by the FSB at an Azerbaijani cafe in Novosibirsk in December 2015 (see F18News 21 January 2016 http://www.forum18.org/archive.php?article_id=2141). Most were released the next day after interrogation and searches of their homes, but Odilov was kept in custody for nine months before being allowed home under travel restrictions in September 2016 (see F18News 1 February 2017 http://www.forum18.org/archive.php?article_id=2251).

The Novosibirsk FSB, which was responsible for the investigation, has repeatedly refused to answer Forum 18's questions about the case.

Novosibirsk: Judicial fines to end criminal cases

Uzbek citizen Bobirjon Tukhtamurodov was formally charged at the same time as Odilov on 31 October 2017. He is due to have the case against him closed upon payment of a judicial fine of 90,000 Roubles, a fellow Muslim, who has been following the case, told Forum 18 on 22 February.

A fine of 90,000 Roubles (12,500 Norwegian Kroner, 1,300 Euros or 1,600 US Dollars) is about two and a half months' average wages for those in formal work.

Criminal Code Article 76.2 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. Tukhtamurodov agreed to this outcome in late February, the Muslim added; no date has yet been set for the hearing at Novosibirsk's October District Court which will finalise the decision.

Prosecutors ended the cases against two other Novosibirsk defendants – Uralbek Karaguzinov (born 21 July 1954) and Mirsultan

Takhir-ogly Nasirov (born 8 October 1997) – in similar fashion in November 2017 (see F18News 8 December 2017 http://www.forum18.org/archive.php?article_id=2339).

Fines imposed at a judge's discretion under Criminal Code Article 76.2 appear to be a lighter punishment than that which the men could have expected had they been tried and convicted, and carry no criminal record. Nevertheless, accepting this outcome meant that they had to plead guilty to the charges against them, which is likely to have negative consequences for Odilov.

Pressure to "prove" banned organisation exists

"[State agencies] detain a person and bring a criminal case against him", a Muslim explained to Forum 18. "They torment him with interrogations and medical examinations and tell him he can either pay a fine of 90,000 Roubles or go to prison for a minimum of four years. The person is obliged to agree to the fine. Morally, he is forced to admit guilt."

Karaguzinov, Nasirov and Tukhtamurodov have been recorded "as participants in the organisation", the Muslim added. "Now they are trying the leader, Odilov, but the confession and repentance of three members of the organisation are already part of the case. This is such a heinous scheme. They no longer need to prove the existence of an organisation."

Psychiatric examinations – what for?

Such medical examinations consist of conversations with a psychiatrist intended to establish a suspect's fitness to undergo investigation and trial, Odilov's lawyer Yuliya Zhemchugova explained to Forum 18 on 27 February. They do not generally involve physical examinations.

Psychiatric evaluation is compulsory for suspects who are minors (as Nasirov was when his case was opened) or who are already registered with a psychiatrist. Otherwise, it is carried out at the discretion of investigators. Zhemchugova added that none of her clients had ever made any complaints about the conduct of psychiatric examinations.

Suspects may undergo psychiatric examinations as inpatients or outpatients of medical institutions, according to the Health Ministry's 2017 Decree "On approval of the order of conduct of judicial psychiatric examination".

Having to "prove you are not crazy" is "spiritual torment and suffering for a believer," a fellow Muslim insisted to Forum 18. "Because the believer wants to save the eternal life of man, he talks about God, and he is considered to be mad."

Odilov, Tukhtamurodov, Nasirov and Karaguzinov all underwent psychiatric evaluation as outpatients early in the FSB investigation and were declared mentally healthy.

Other Muslims prosecuted for studying Nursi's works are known to have been subjected to similar examinations. These include Amir Abuev in Kaliningrad in 2012 (see F18News 16 May 2012 http://www.forum18.org/archive.php?article_id=1701) and Shirazi Bekirov in St Petersburg in 2013 (see F18News 28 September 2013 http://www.forum18.org/archive.php?article_id=1872).

Novosibirsk: Will Tukhtamurodov be deported to Uzbekistan?

Tukhtamurodov has temporary refugee status in Russia, having fled a similar prosecution in Uzbekistan. It is now unclear whether he will be allowed to remain or be deported back to his home country, according to Odilov's lawyer Yuliya Zhemchugova. Torture by officials of anyone they dislike is widespread in Uzbekistan, the United Nations (UN) Committee against Torture (CAT) finding torture to be "routine" in the country (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/Archive.php?article_id=2314)

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. In 2014 the European Court of Human Rights (ECtHR) in Strasbourg ruled that Russia should not deport him to Uzbekistan (see F18News 15 April 2014 http://www.forum18.org/archive.php?article_id=1947).

Novosibirsk: Criminal investigations continue

The FSB security service in Novosibirsk is also investigating Imam Ilhom Zavkidinovich Merazhov (born 1 July 1970) 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 Timur Muzafarovich Atadzhanov (born 21 April 1988) 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"). Merazhov is currently living abroad. Atadzhanov's whereabouts are unknown.

This is the second time that Odilov and Merazhov have been prosecuted under Criminal Code Article 282.2, Part 1. In May 2013 they each received one-year suspended sentences for allegedly organising "Nurdzhular" activity in Novosibirsk, a verdict Merazhov described at the time as "nonsense" (see F18News 18 June 2013 http://www.forum18.org/archive.php?article_id=1848). Both men with other Muslim readers of Nursi's works in February 2014 appealed against convictions (Application No. 6738/14) to the European Court of Human Rights in Strasbourg (ECtHR) (see F18News 10 April 2014 http://www.forum18.org/archive.php?article_id=1946). The ECtHR sent questions to all the parties involved on 31 August 2017 (see <http://hudoc.echr.coe.int/eng?i=001-177189>).

The deadline for the Russian government's response was 22 February 2018. The Court has so far been unable to tell Forum 18 if the Russian government responded by this date and, if so, what its observations were.

In December 2015 Odilov and Merazhov were among nine people detained by the FSB security service at an Azerbaijani cafe in Novosibirsk (see F18News 21 January 2016 http://www.forum18.org/archive.php?article_id=2141). Most were released the next day after interrogation and searches of their homes, but Odilov was kept in custody for nine months before being allowed home under travel restrictions in September 2016.

Odilov, Merazhov, and Atadzhanov all appear on the Rosfinmonitoring "List of Terrorists and Extremists", whose assets banks are obliged to freeze (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=2215). Nasirov and Karaguzinov have been removed since their cases were closed. Tukhtamurodov has never been added to the list.

Krasnoyarsk: Criminal trials continue into eleventh month

Two more readers of Nursi's works are still on trial in Krasnoyarsk after more than 10 months.

Andrei Nikolayevich Dedkov (born 16 June 1979) has undergone 14 hearings before Judge Sergei Tupeko at Krasnoyarsk's Soviet District Court, with the next due on 12 March. He is under travel restrictions, having been released from detention in March 2017 after nearly a year.

This is the third time Dedkov has been prosecuted for alleged involvement with "Nurdzhular". The first case against him ran out of time in 2012; the second ended in conviction in 2015, but the consequent fine was dropped after the statute of limitations again expired during the appeal period (see F18News 21 January 2016 http://www.forum18.org/archive.php?article_id=2141).

Andrei Gennadyevich Rekst (born 14 March 1994), who is at home on bail, has so far appeared 17 times at Krasnoyarsk's Sverdlovsk District Court before Judge Radomir Larionov, most recently on 22 February. He has dismissed his lawyer because he suspected he was collaborating with the FSB security service, a fellow Muslim who is following the case told Forum 18 on 26 February. The court has now given his new lawyer time to become acquainted with the case, and Rekst's next hearing has been scheduled for 13 March.

Dedkov and Rekst were initially detained in March 2016, after the FSB security service had carried out surveillance of several Muslims in Krasnoyarsk for much of 2015 (see F18News 29 June 2016 http://www.forum18.org/archive.php?article_id=2193). For holding gatherings to read and discuss Nursi's works, Dedkov was 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 Rekst was 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").

Both Rekst and Dedkov appear on the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose assets banks are obliged to freeze (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=2215).

Krasnoyarsk: Prosecutors seek literature ban

Prosecutors are also seeking to have religious literature seized from Rekst's home declared "extremist". Proceedings resumed at Krasnoyarsk's Sverdlovsk District Court on 26 February 2018 after being suspended for eight months.

Publishing company Sozler had argued that the original expert report submitted by the prosecution contained a "multitude of errors", according to company representative Sergei Mikhailov. Judge Natalya Bogdevich therefore halted her examination of the suit to allow further analysis of the texts to be carried out. The Krasnoyarsk Justice Ministry's Laboratory of Judicial Analysis performed the additional examination at the court's request.

Prosecutors failed to appear at the 26 February hearing, Mikhailov told Forum 18 the same day. Proceedings were therefore adjourned until 28 March. (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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