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RUSSIA: Third 2018 conviction for Muslim study meetings

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

A Krasnoyarsk court handed 27-year-old Sabirzhon Kabirzoda a two-year suspended sentence on 14 August for meeting with others to study his faith using the works of theologian Said Nursi. He is the third such Muslim sentenced in 2018, while trials against two others continue in the same region.

Another Muslim in Krasnoyarsk has become the third person in 2018 known to have been convicted of involvement in "extremism" for meeting to study the works of late Turkish theologian Said Nursi. The city's Soviet District Court handed 27-year-old Sabirzhon Kabirzoda a two-year suspended sentence at the end of a trial lasting just over six months.

Two "experts" chosen by the FSB security service claimed that, in covert FSB recordings, Kabirzoda had incited hatred because he had contrasted those who love the Muslim prophet Mohammed with those who do not. They added that his professed love of reading the Koran "contains signs of propaganda of the exclusivity of the Koran" (see below).

One of the "experts", Alla Kipchatova, told Forum 18 that her role was simply to analyse the materials they were given. "We don't have the aim to condemn anyone," she told Forum 18. "How much of our expert analysis was used in the verdict is not our issue" (see below).

Two other Muslims jailed for meeting with others to study their faith using Nursi's works are now beginning their jail sentences after their convictions entered legal force (see below).

Many of Nursi's books have been banned in Russia despite not advocating violence or hatred. State officials interpret reading and discussing them as perpetuating the activities of "Nurdzhular", a banned "extremist organisation" which Muslims in Russia deny even exists.

Prosecutors are now appealing against the fine handed down in June to Andrei Dedkov (allegedly part of the same "Nurdzhular cell" as Kabirzoda), which they see as too lenient a punishment (see below).

Two other Muslims from the same region who read Nursi's works are still on trial – Andrei Rekst in Krasnoyarsk and Yevgeny Sukharev in the town of Sharypovo. It is as yet unknown when these proceedings will end (see below)

Meanwhile, Ilgar Aliyev, who in May received the longest known term of imprisonment for alleged "Nurdzhular" involvement, has lost his appeal against his conviction (see below).

Imam Komil Odilov, who was sentenced in Novosibirsk in June to two years in a labour camp, has not lodged an appeal. Despite their requesting a term of five years' imprisonment, prosecutors in Novosibirsk have also not challenged the judge's ruling (see below).

Dedkov, Aliyev and Odilov were all 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").

Kabirzoda, Rekst, and Sukharev were 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").

Meeting in homes to study Islam

Muslims who read Nursi's works tend to meet in homes to study Islam, with one or more expounding on the theologian's writings. They also pray, eat, and drink tea together. State officials interpret such meetings as organised activity by "Nurdzhular", aimed at inciting hatred in society and undermining the constitutional order in Russia.

"Nurdzhular" (derived from the Turkish for "Nursi followers") was ruled "extremist" and outlawed by the Supreme Court in 2008, despite the fact that Muslims in Russia say that such an association has never existed. Many Russian translations of Nursi's books have been banned, both before and since the prohibition on "Nurdzhular", 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 (Part 1, "Organisation of", or 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").

Six men are known to be currently in prison, having been found guilty of involvement in "Nurdzhular".

Apart from Odilov and Aliyev, Yevgeny Lvovich Kim from Blagoveshchensk was sentenced to three years and nine months in June 2017 (see F18News 23 June 2017 http://www.forum18.org/archive.php?article_id=2290).

In November 2017 in Makhachkala, Ziyavdin Badirsoltanovich Dapayev received a four-year term and brothers Sukhrab Abdulgamidovich Kaltuyev and Artur Abdulgamidovich Kaltuyev received three years each (see F18News 7 December 2017 http://www.forum18.org/archive.php?article_id=2339).

Will Human Rights Commissioner defend human rights?

Forum 18 wrote to the office of Human Rights Commissioner (Ombudsperson) Tatyana Moskalkova on 15 August asking her to confirm that none of these Muslims has ever been accused of violence or incitement to violence, and to explain why they are prosecuted simply for reading books and meeting to discuss them. Forum 18 also asked whether the Commissioner's office is doing anything to help those who have been convicted. Forum 18 had received no reply by noon of 21 August in Moscow.

According to her website, the Human Rights Commissioner is mandated both to investigate complaints of human rights abuses submitted by residents of the Russian Federation, and to "take appropriate measures, acting on [her] own initiative, based on the available information about mass and gross violations of human rights and freedoms".

Jehovah's Witnesses also prosecuted

Like Muslims who read Nursi's works, Jehovah's Witnesses also face prosecution 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").

Unlike Nursi readers, some Jehovah's Witnesses are also being prosecuted under Criminal Code Article 282.3 ("Financing of extremist activity"). Offences under this article also incur large fines or prison terms of up to eight years (see F18News 11 July 2018 http://www.forum18.org/archive.php?article_id=2394).

The Investigative Committee, the FSB security service, and officers of the Interior Ministry's Centre for Countering Extremism are known to have carried out raids (usually armed) in 22 Russian regions between January and August 2018. As a result, at least 65 people are now the subjects of criminal investigations.

As of 20 August, 25 of them are known to be in pre-trial detention, 9 under house arrest, and 31 under travel restrictions, according to Jehovah's Witnesses. One woman has been placed under lesser restrictions, such as not being allowed out at night or to use the internet and telephone.

These raids and prosecutions derive directly from the 2017 liquidation of the Jehovah's Witness Administrative Centre as an "extremist organisation", and the consequent nationwide ban on Jehovah's Witnesses' exercise of freedom of religion and belief (see F18News 18 July 2017 http://www.forum18.org/archive.php?article_id=2297). It is unknown when any of those detained in the recent raids will appear in court.

Three Jehovah's Witnesses are already on trial in Prokhladny and Maysky (both in the Republic of Kabardino-Balkariya) and Oryol for alleged extremism-related offences not directly related to the nationwide ban (see F18News 11 July 2018 http://www.forum18.org/archive.php?article_id=2394).

Krasnoyarsk: Suspended sentence

Muslim Nursi reader Sabirzhon Shamsidinovich Kabirzoda (born 4 May 1991) was convicted on 14 August 2018 of "participation in the activities of a banned extremist organisation" (Criminal Code Article 282.2, Part 2). After 23 hearings in just over six months, Judge Marina Shtruba of Krasnoyarsk's Soviet District Court handed down a two-year suspended sentence. Prosecutors had asked

for a term of 3 years and 6 months' imprisonment, a fellow Muslim who has been following the case told Forum 18 on 15 August.

No written verdict is yet available. Forum 18 wrote to Krasnoyarsk Regional Prosecutor's Office on 15 August to ask whether the prosecution intends to challenge the judge's decision, but has received no reply as of the afternoon of the working day in Krasnoyarsk on 21 August.

Kabirzoda is a Tajik-born Russian citizen who appears to be working as a plasterer in Krasnoyarsk. He is a friend of Andrei Rekest and Andrei Dedkov, who were arrested and charged with involvement in "Nurdzhular" in March 2016. FSB investigators named Kabirzoda as a suspect in their case in December 2016, but did not have him placed in detention or under house arrest.

Kabirzoda himself appears to have been charged in late 2017. On 20 November 2017, investigators had his name added to the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose assets banks are obliged to freeze (apart from small transactions). Prosecutors lodged his case at Krasnoyarsk's Soviet District Court on 22 December 2017.

The Krasnoyarsk FSB has repeatedly failed to answer Forum 18's questions about the case.

In an Investigative Committee document formally charging Sharypovo Muslim Yevgeny Sukharev (see below), investigators mention Kabirzoda as having attended a "lesson" at which Sukharev quoted from Said Nursi's "Risale-i Nur" (Messages of Light) collection of writings.

Kabirzoda also appears in materials the FSB security service sent for "expert psycho-linguistic analysis" in July 2017, consisting primarily of covert surveillance recordings obtained in homes and on public transport.

The FSB asked Alla Kipchatova (philology) and Irina Malanchuk (psychology) of Krasnoyarsk State Pedagogical University to ascertain whether the material contained "information capable of inciting hatred and enmity or degrading the dignity of a person or group on the basis of sex, race, language, nationality, origin, attitude to religion, or membership of a social group", "statements aimed at promoting the exclusivity, superiority, or inferiority of citizens on the basis of attitude to religion, nationality, or racial origin", or any "call for action". They also asked whether it was possible to discern the structure of an organisation based on the teachings of "Risale-i Nur".

While the cited excerpts from recordings appear to be mainly of Dedkov lecturing on the contents of "Risale-i Nur", Kabirzoda is also quoted. Kipchatova and Malanchuk interpret his alleged statement that "The most modest is the prophet Mohammed and he said that those who do not love him will not endure.." as "[contrasting] those who 'love' the prophet Mohammed, ie. who accept Islam, with those who "do not love" him, ie. who will not profess Islam", and therefore as evidence of Kabirzoda and his companions "inciting hatred and enmity".

Kabirzoda also describes the experience of reading the Koran: "It happens that it tightens. Sometimes, once, I remember, it drove me mad. [...] We took the Koran and read it. Then I took it, I read it, I look [at it], I can't tear myself away, I read, I read. It doesn't work, but I can't tear myself away. It happens that way. The most amazing thing is that, immediately [indistinct phrase]". According to the analysts, this statement "contains signs of propaganda of the exclusivity of the Koran, [and] consequently Islam, [and] suggests a sense of uniqueness of the experience of a person reading the Koran, aimed at creating this impression among [his] interlocutors".

As no written verdict is yet available, it is unclear what influence this analysis may have had on the judge's decision.

Kipchatova told Forum 18 that her role was simply to analyse the materials they were given. "We don't have the aim to condemn anyone," she told Forum 18 from Krasnoyarsk on 21 August. "How much of our expert analysis was used in the verdict is not our issue."

She said she could not remember the specific statements where Kabirzoda had compared those who love the Muslim prophet Mohammed and those who do not and had spoken of his experiences of reading the Koran. "We analyse the content of speech, we don't give a legal assessment of it," she told Forum 18. "That is an issue for prosecutors and the court."

Malanchuk did not respond to Forum 18's written request for comment, sent on the afternoon of 20 August in Krasnoyarsk.

It is unknown what restrictions Kabirzoda may be under during the period of his sentence. According to Article 73 of the Criminal Code, a convict with a suspended sentence may be subject to a curfew, may be obliged to inform the probation service of any change in his/her place of residence or work, may be barred from visiting particular locations or travelling abroad, may be deprived of the right to vote, and cannot stand for election. If any of these terms are breached, the probation period may be extended. If the person is convicted of another crime, he/she will be imprisoned.

Forum 18 wrote to Soviet District Court to ask what the conditions of Kabirzoda's sentence are, and why Judge Shtruba had imposed a lesser punishment than that requested by prosecutors. "None of the court staff is authorised to discuss the court's decision or the reasons that influenced the decision," Tatyana Khrabraya of the Court press service responded on 20 August. "Neither do we have

the right to discuss the intentions of the prosecutor's office."

Krasnoyarsk: Prosecution appeal

Krasnoyarsk Regional Court will consider the prosecution's objection to the fine imposed on Muslim Nursie reader Andrei Nikolayevich Dedkov (born 16 June 1979) on 6 September 2018, according to the court website. Soviet District Prosecutor's Office lodged this appeal on 15 June, Regional Deputy Prosecutor Sergey Karapetyan told Forum 18, "in view of [the punishment's] excessive leniency".

Krasnoyarsk's Soviet District Court fined Dedkov 250,000 Roubles (more than six months' average local wages) on 7 June for allegedly leading the "Nurdzhular cell" in which Sabirzhon Kabirzoda, Andrei Rekst, Yevgeny Sukharev, and others were allegedly involved (Criminal Code Article 282.2, Part 1) (see F18News 8 June 2018 http://www.forum18.org/archive.php?article_id=2386). Prosecutors had requested a sentence of five years' imprisonment. Dedkov himself has not challenged the court ruling.

Dedkov's name appears to have been removed from the Rosfinmonitoring "List of Terrorists and Extremists" at some point between 29 July and 4 August 2018. He had been on it since 2 April 2014, his name having been added during a previous investigation.

Krasnoyarsk: Trials continue

The trials of fellow Muslim Nursi readers Andrey Gennedevich Rekst (born 14 March 1994) and Yevgeny Igoryevich Sukharev (born 9 April 1990) are continuing.

Rekst was charged alongside Dedkov after they were both detained in March 2016. Since May 2017, he has appeared 25 times before Judge Radomir Larionov at Sverdlovsk District Court in Krasnoyarsk (see F18News 12 May 2017 http://www.forum18.org/archive.php?article_id=2279).

Rekst is next due to appear on 21 September 2018, according to the court website. He was not held in pre-trial detention during the investigation, and is currently still free on bail.

Sukharev's trial began on 20 April 2018 and he has made 10 appearances so far before Judge Inna Gavritskaya at Sharypovo City Court (some 300kms [190 miles] from Krasnoyarsk). The next hearing is due on 10 September.

Rekst's name has been on the Rosfinmonitoring "List of Terrorists and Extremists" since 14 October 2016. Sukharev has still not yet been added.

Dagestan: Unsuccessful appeal

On 25 July 2018 at the Supreme Court of the Republic of Dagestan, Ilgar Vagif-ogly Aliyev (born 16 February 1977) unsuccessfully challenged his sentence of eight years' imprisonment plus two years of restrictions on freedom for alleged involvement in "Nurdzhular". Nevertheless, Aliyev intends to appeal "right up to the European Court of Human Rights in Strasbourg" if necessary, a fellow Muslim told Forum 18.

Aliyev is now due to begin serving his term at a general-regime labour camp. He has not yet been transferred, however, a fellow Muslim who has been following the case told Forum 18 on 16 August, and so remains for the moment in Investigation Prison No. 2 in Derbent. Conditions there are "fine", Aliyev's lawyer, Magomedrasul Zaripov, and fellow Muslims have told Forum 18: "There are no problems reading the Koran or performing prayers in Dagestan. All food is halal" (see F18News 1 March 2018 http://www.forum18.org/archive.php?article_id=2358).

Judge Magomed Murtazaliyev of Izberbash City Court sentenced Aliyev on 28 May to six years' imprisonment (plus two years' restrictions on freedom) 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 four years' imprisonment (plus two years' restrictions on freedom) under Criminal Code Article 282.2, Part 1.1 ("Inclination, recruitment, or other involvement of a person in the activities of an extremist organisation").

The Judge ruled that these terms should run partly concurrently, giving a total of eight years in the labour camp and two years of restrictions (see F18News 8 June 2018 http://www.forum18.org/archive.php?article_id=2386).

Aliyev spent about 11 months in detention before his trial came to an end, Forum 18 notes. Under a new law signed by President Vladimir Putin on 3 July 2018 and applicable retroactively, this time will be subtracted from his sentence with one day in pre-trial detention considered equal to 1.5 days in jail. This will leave Aliyev with about six years and eight months to serve.

Despite his conviction, Aliyev's name still does not appear on the Rosfinmonitoring "List of Terrorists and Extremists".

Novosibirsk: No appeal

Neither Imam Komil Olimovich Odilov (born 18 August 1975) nor the prosecution has appealed against the sentence of two years' imprisonment handed down to Odilov on 29 June, defence lawyer Yuliya Zhemchugova told Forum 18 on 15 August.

Prosecutors had asked for a sentence of five years' imprisonment, but Judge Yevgeny Zakharov of Novosibirsk's October District Court decided on a shorter term (see F18News 8 June 2018 http://www.forum18.org/archive.php?article_id=2386).

Odilov has now begun serving his term at a general-regime labour camp in Novosibirsk, a fellow Muslim told Forum 18 on 16 August. His name remains on the Rosfinmonitoring "List of Terrorists and Extremists", to which he was added on 12 January 2016.

Odilov spent nearly 10 months in pre-trial detention early in the investigation, before being released under travel restrictions in September 2016. The time he served in Novosibirsk's Investigation Prison No. 1 will be taken into account, leaving him with 9 months to spend in the labour camp, his lawyer explained to Forum 18 on 2 July. (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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