

10 September 2021

RUSSIA: Suspended sentence, though she did "nothing apart from study Koran"

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

After a trial lasting more than six months, Naberezhnyye Chelny City Court in Tatarstan handed 63-year-old Nakiya Sharifullina a two-year suspended sentence on 31 August on "extremism" charges to punish her for meeting with others to study the works of Muslim theologian Said Nursi. The case followed police raids on the homes of 20 women in March 2020. Sharifullina, who has "a number of serious illnesses", denied any guilt and insisted she had done "nothing apart from study the Koran", her lawyer Ruslan Nagiyev noted. He has lodged an appeal. Seven Jehovah's Witnesses have been given prison terms on extremism-related charges since late June.

A 63-year-old teacher has become the first Muslim in nearly three years to be found guilty under the Extremism Law for meeting with others to study the works of the late Turkish Muslim theologian Said Nursi. A court in Naberezhnyye Chelny in the Tatarstan Republic handed Nakiya Sharifullina a two-year suspended sentence on 31 August.

Sharifullina's conviction came nearly a year and a half after police in March 2020 raided the homes of 20 women they suspected of "continuing the activities" of "Nurdzhular", an organisation which Muslims in Russia deny exists (see below).

Sharifullina's probationary period means that she will have an active criminal record (sudimost) for a year and a half from when the sentence comes into force. During this time, any bank accounts she might have will remain blocked, except for small transactions (see below).

Sharifullina, who has "a number of serious illnesses", had denied any guilt throughout and insisted that she had done "nothing apart from study the Koran", her lawyer Ruslan Nagiyev noted. He has lodged an appeal against the conviction (see below).

Tatarstan's Investigative Committee is believed to have opened a criminal case against another of the women whose homes were raided in March 2020 – Nursayma Khadiullina – but this does not yet appear to have reached court (see below).

Forum 18 wrote to the Tatarstan Republic Prosecutor's Office, asking why it had sought a seven-year prison sentence for Sharifullina, why it considered her dangerous, and whether prosecutors intended to challenge the sentence. Forum 18 also asked if a criminal investigation of Khadiullina is still underway. It has received no response so far (see below).

Investigators seized a large number of books mostly by Nursi in the original Turkish during their March 2020 raids on the women's homes. Prosecutors later sought to have the books banned as "extremist" (many Russian versions of Nursi's writings are already on the Justice Ministry's List of Extremist Materials). Naberezhnyye Chelny City Court upheld their request on 19 April 2021, but Tatarstan's Supreme Court overturned this decision on 9 July 2021 and sent the case for re-examination (see below).

A number of other Muslims who read Nursi's works have been convicted on "extremism"-related charges, with some being jailed and others fined. A 44-year-old Muslim from Dagestan, Ilgar Vagif-ogly Aliyev, is the only Nursi reader currently known to be behind bars. It is likely that he will be due for release in the early autumn of 2024. This will be followed by two years of restrictions on freedom and eight years of administrative supervision (see below).

Seven Jehovah's Witnesses are known to have been given prison terms on extremism-related charges since late June. They have received sentences of between three and eight years. Other Jehovah's Witnesses have been handed suspended sentences and fines (see below).

"Extremism" charges to punish meetings for study, worship

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

"Nurdzhular" (derived from the Turkish for "Nursi followers") was ruled "extremist" and outlawed by the Supreme Court in 2008 (https://www.forum18.org/archive.php?article_id=2215), despite the fact that Muslims in Russia say that such an association has never existed. No centralised or local religious organisation associated with Nursi's teachings was registered in Russia before the ban.

Many Russian translations of Nursi's books have been banned as "extremist" (https://www.forum18.org/archive.php?article_id=2215), both before and since the prohibition on "Nurdzhular", despite their not calling for violence or the violation of human rights.

On 28 August 2018, the European Court of Human Rights (ECtHR) in Strasbourg found that Russian bans on Nursi's works violated Article 10 ("Freedom of expression") of the European Convention on Human Rights and Fundamental Freedoms (Application Nos. 1413/08 and 28621/11 (<http://hudoc.echr.coe.int/eng?i=001-185293>)).

All ECtHR judgments require states to take steps to prevent similar violations from happening – for example, by changing laws and state practices. This process is supervised by the Committee of Ministers of the Council of Europe.

After the 2008 ban, people who have met to study Nursi's books have been prosecuted under Criminal Code Article 282.2, Part 1 or Part 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 Supreme Court decision of 2017 which liquidated their Administrative Centre as an "extremist organisation" (https://www.forum18.org/archive.php?article_id=2297) and banned its activities nationwide, Jehovah's Witnesses have also been subject to prosecution under the Extremism Law.

Unlike Muslims who read Nursi's works, Jehovah's Witnesses had 396 officially registered legal entities before the ban came into force, all of which were immediately dissolved.

More than 500 Jehovah's Witnesses are now under investigation or on trial, or have already been convicted, under Criminal Code Article 282.2, Parts 1 and 2. Some have also been charged under Article 282.2, Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation") or Article 282.3, Part 1 ("Financing extremist activity").

Seven Jehovah's Witnesses have recently been sentenced to imprisonment:

- Dmitry Sergeyevich Terebilov (born 2 January 1980), 3 years' imprisonment in a strict-regime labour camp ("correctional colony") under Article 282.2, Part 2 (because of previous drug-related convictions before he joined Jehovah's Witnesses) – 6 September;
- Vasily Vladimirovich Meleshko (born 30 January 1961), 3 years' imprisonment under Article 282.2, Part 2 – 13 August;
- Aleksandr Mikhailovich Parkov (born 5 September 1967) and Arsen Vilenovich Avanesov (born 24 September 1983), 6 years and 6 months' imprisonment under Article 282.2, Part 1; and Vilen Shagenovich Avanesov (born 22 October 1952), 6 years' imprisonment under Article 282.2, Part 1 – 29 July;
- Aleksey Aleksandrovich Berchuk (born 17 November 1975) and Dmitry Mikhailovich Golik (born 26 March 1987), 8 years' and 7 years' imprisonment respectively under Article 282.2, Part 1 (Berchuk's is the longest jail sentence yet imposed on a Jehovah's Witness) – 30 June.

Among other Jehovah's Witnesses recently convicted are:

- Yevgeny Viktorovich Yakku (born 22 February 1980), 780,000 Rouble fine under Article 282.2, Part 1 and Article 282.2, Part 1.1 (the largest fine yet imposed on a Jehovah's Witness), plus 100,000 Roubles in compensation to alleged victim – 19 July;
- Darya Igoryevna Dulova (born 10 March 2000), 1-year suspended sentence with 1 year's probation; Venera Nikolayevna Dulova (born 3 January 1961), 2-year suspended sentence with 2 years' probation; and Aleksandr Vitalyevich Pryanikov (born 18 May 1987), suspended sentence of 2 years and 6 months with 2 years' probation, all on re-trial under Article 282.2 Part 2 (https://www.forum18.org/archive.php?article_id=2637) – 15 July;
- Vladimir Nikolayevich Suvorov (born 5 January 1946), 6-year suspended sentence under Article 282.2, Part 1, with 4 years' probation plus 10 months' restrictions on freedom and a 5-year ban on participation in religious organisations – 1 July.

Naberezhnyye Chelny: Suspended sentence

On 31 August, after a trial lasting more than six months, Judge Rustam Khakimov of Naberezhnyye Chelny City Court found Nakiya Khametzakirovna Sharifullina (born 1 January 1958) guilty 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 Judge handed Sharifullina a two-year suspended sentence with a probationary period of eighteen months, her lawyer Ruslan Nagiyev told Forum 18. Prosecutors had requested a jail term of seven years. "We greeted [the decision] with relief, since she was threatened with six to ten years' imprisonment – that's the punishment under this Article," Nagiyev added.

In comments on his Facebook page in late August, shortly before the sentencing hearing, Nagiyev noted that Sharifullina, who has "a number of serious illnesses", had denied any guilt throughout and insisted that she had done "nothing apart from study the Koran".

The Court website notes that on 6 September it accepted an appeal lodged by Sharifullina's lawyer. No date has yet been set for the appeal to be heard at Tatarstan's Supreme Court in Kazan.

Should the sentence come into force (either ten days after it was issued or upon an unsuccessful appeal), Sharifullina will not be under any additional restrictions on freedom. Her probationary period means that she will have an active criminal record (sudimost) (https://www.forum18.org/archive.php?article_id=2681) for a year and a half.

During this time, Sharifullina will remain on the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", to which prosecutors had her added on 11 June 2020. Banks are obliged to freeze the accounts of people on this list (https://www.forum18.org/archive.php?article_id=2215), permitting only small withdrawals of up to 10,000 Roubles per month; individuals on the list cannot use their bank cards, sign contracts, or obtain insurance, and may encounter a range of other problems in everyday life (https://www.forum18.org/archive.php?article_id=2687).

Forum 18 wrote to the Tatarstan Republic Prosecutor's Office on 6 September, asking why it had sought such a long prison sentence for Sharifullina, why it considered her dangerous, and whether prosecutors intended to challenge the sentence. Forum 18 received no reply by the middle of the working day in Tatarstan of 10 September.

Based on court records, Sharifullina spent about eight months under house arrest during the investigation of her case, and was released under travel restrictions in late November 2020. She will remain under these restrictions until her sentence enters legal force.

March 2020 raids, prosecution

Sharifullina was among twenty Muslim women in Naberezhnyye Chelny whose homes were raided by police and officers of other agencies in March 2020 (https://www.forum18.org/archive.php?article_id=2563). One woman – Alsu Mintalibovna Khusayenova – suffered a heart attack during the raid and had to be taken to hospital; she is not believed to have subsequently faced prosecution.

The Tatarstan Republic Investigative Committee opened a criminal case against Sharifullina under Criminal Code Article 282.2, Part 1 on 24 March 2020, and formally charged her some time between 9 April and 18 May 2020.

It initiated a separate case under Criminal Code Article 282.2, Part 2 against "unidentified persons", according to court documents seen by Forum 18.

Later, another target of the original raids – Nursayma Zaynullovna Khadiullina – was placed under investigation under Criminal Code Article 282.2, Part 2 (https://www.forum18.org/archive.php?article_id=2624), but her case does not appear to have reached court and investigators have not had her name added to the Rosfinmonitoring List.

According to Naberezhnyye Chelny City Court's ruling placing Sharifullina under house arrest on 25 March 2020, seen by Forum 18, Sharifullina allegedly organised a "madrassah", which met in several flats in Naberezhnyye Chelny on a range of dates in March and April 2019, as well as on "other days" since 2017. Members of the group studied the Koran and the Turkish language, as well as Nursi's "Risale-i Nur" ("Messages of Light") collection, his "Letters", and "A way to positive service" (all on the Justice Ministry's Federal List of Extremist Materials).

Investigators claimed that Sharifullina and others "studied the works of Said Nursi, [and] thereby joined the ranks of the religious association 'Nurdzhular'", knowing that its activities "have been recognised as extremism and prohibited, disseminating the goals and objectives of this association, [which consist] of the formation of groups of people with a positive attitude to death, combined with being prepared to sacrifice oneself in the name of [Nursi's] teachings, which creates favourable conditions for the formation of a resource base for other extremist or terrorist organisations using Islamic rhetoric".

Earlier conviction

Sharifullina first faced prosecution for alleged involvement in "Nurdzhular" in 2013, when she was similarly accused of running an "underground madrassah" for women to study Nursi's works. Prosecutors charged her under Criminal Code Article 282.2, Part 1. In March 2014 a Magistrate's Court in Naberezhnyye Chelny court fined her 100,000 Roubles (https://www.forum18.org/archive.php?article_id=1946). The same court fined fellow defendant Laura Yuryevna Khapinova 50,000 Roubles under Criminal Code Article 282.2, Part 2.

A different Magistrate's Court in Naberezhnyye Chelny had tried fellow Naberezhnyye Chelny Muslims Ilnur Khalilovich Khafizov and Fidail Kanifovich Salimzyanov in February 2014 (https://www.forum18.org/archive.php?article_id=1936) for allegedly "continuing the activities" of "Nurdzhular". The court fined Khafizov 100,000 Roubles under Criminal Code Article 282.2, Part 1, and Salimzyanov 50,000 Roubles under Article 282.2, Part 2.

Both the 2014 prosecutions also resulted in confiscated Islamic books being burned (https://www.forum18.org/archive.php?article_id=1990).

Sharifullina, Khapinova and Salimzyanov lodged appeals against their convictions at the European Court of Human Rights (ECtHR) in Strasbourg in 2014 (Application Nos. 45334/14, 69385/14, and 68231/14 respectively). The Court merged their applications with other Nursi-related appeals and sought the Russian government's response on 31 August 2017. Both the government and applicants have since submitted their observations, but there has been no further progress, according to the ECtHR State of Proceedings database.

More literature to be banned?

During the raids in March 2020, investigators seized a large quantity of religious literature from the homes of Sharifullina, Khadiullina, and several other women. On 14 December 2020, the Tatarstan Republic Prosecutor's Office lodged a suit at Naberezhnyye Chelny City Court to have 47 of these books – almost all in Turkish and by Said Nursi – ruled "extremist" and banned from distribution in Russia.

Judge Tatyana Kopoteva upheld this request on 19 April 2021, but a panel of three judges at the Supreme Court of the Tatarstan Republic overturned her decision on 9 July 2021, sending the case back for re-examination.

The Supreme Court agreed with lawyer Ruslan Nagiyev's arguments that the case materials should have included Russian translations of the books, and that the city court should have taken into account the European Court of Human Rights judgment in the case of Ibragimov and Others v. Russia (Application Nos. 1413/08 and 28621/11 (<http://hudoc.echr.coe.int/eng/?i=001-185293>)).

This found that Russian bans on Nursi's works violated Article 10 of the European Convention on Human Rights (https://www.forum18.org/archive.php?article_id=2215) (freedom of expression).

The Administrative Procedural Code states that courts should evaluate cases based on "a comprehensive, complete, objective, and direct examination of the evidence available". The lack of Russian translations "excluded the possibility of study and evaluation of the disputed publications by the first-instance court, which indicates the violation by the court of the principle of immediacy of judicial proceedings", Judge Luiza Sibgatullina noted in the 9 July decision, seen by Forum 18.

Naberezhnyye Chelny City Court's conclusion that ECtHR decisions were not part of the Russian legal system was "incorrect", Judge Sibgatullina concluded. "The legal positions of the European Court of Human Rights, contained in the final decisions of [that] Court in relation to the Russian Federation, are binding for courts. Courts take [them] into account in order to protect human rights and freedoms effectively. In this case, the [ECtHR] position is taken into account by the court if the circumstances of the case are similar to circumstances which have been the subject of [ECtHR] analysis and conclusions."

Judge Lenar Khasimov was due to hold the first hearing in the re-examination at Naberezhnyye Chelny City Court on 8 September. The hearing was then postponed until 23 September because of the absence of the publishers named as respondents to the suit, according to court records.

Other Nursi-related convictions

One other Muslim is believed to be facing prosecution under Criminal Code Article 282.2 for studying Nursi's work. He was detained after a search of his home in the Dagestan Republic in March 2020 (https://www.forum18.org/archive.php?article_id=2563), but is thought to have been released some months later and to remain under investigation. It is still unknown whether or not he has been charged, and whether the case against him is under Criminal Code Article 282.2, Part 1 or Part 2.

Ilgar Vagif-ogly Aliyev (born 16 February 1977) is the only Nursi reader currently behind bars. Izberbash City Court sentenced him on 28 May 2018 to eight years' imprisonment (https://www.forum18.org/archive.php?article_id=2386) under Criminal Code Article

As Aliyev spent about 15 months in detention between his arrest and his unsuccessful appeal, it is likely that he will be due for release in the early autumn of 2024. This will be followed by two years of restrictions on freedom and eight years of administrative supervision, until his sudimost (legal status of being a convicted person) has expired and his criminal record is considered spent.

Yevgeny Lvovich Kim (born 5 October 1974) was sentenced to three years and nine months' imprisonment in June 2017, also for meeting others to study Nursi's writings, when Blagoveshchensk City Court found him guilty under Criminal Code Article 282.2, Part 1 and Article 282, Part 1. In January 2019, he was stripped of his Russian citizenship, and was immediately placed in a detention centre for foreign and stateless persons (https://www.forum18.org/archive.php?article_id=2478) upon his release in April 2019.

Kim remained there for more than two years, as his birthplace of Uzbekistan refused to accept him. The detention centre finally released him on 31 May 2021 (https://www.forum18.org/archive.php?article_id=2663), but his legal position remains uncertain.

Also in Dagestan, Ziyavdin Badirsoltanovich Dapayev (born 12 May 1982), Sukhrab Abdulgamidovich Kaltuyev (born 13 November 1981), and Artur Abdulgamidovich Kaltuyev (born 15 June 1986) were convicted together by Makhachkala's Lenin District Court on 7 November 2017 under Criminal Code Article 282.2, Part 1. Dapayev received a prison term of four years and the Kaltuyev brothers three years (https://www.forum18.org/archive.php?article_id=2339).

Dapayev and Sukhrab Kaltuyev (who had spent time in detention during the investigation and trial) were released in summer 2019, and Artur Kaltuyev in summer 2020. They did not receive the additional punishment of post-release restrictions on freedom, but Dapayev and Artur Kaltuyev are under administrative supervision for eight years until their sudimost has expired (Sukhrab Kaltuyev has left Russia).

In Novosibirsk, Komil Odilovich Odilov (born 18 August 1975) was sentenced to two years' imprisonment (https://www.forum18.org/archive.php?article_id=2391) under Criminal Code Article 282.2, Part 1 on 29 June 2018, and was released on 25 March 2019 (taking into account time spent in detention). His administrative supervision and legal status as a convicted person will remain until March 2027.

The last Muslim who reads Nursi's works to receive a suspended sentence was Sabirzhon Shamsidinovich Kabirzoda (born 4 May 1991). Soviet District Court in Krasnoyarsk convicted him on 14 August 2018 under Criminal Code Article 282.2, Part 2 and gave him a two-year suspended term (https://www.forum18.org/archive.php?article_id=2406).

The last criminal conviction of a Muslim who reads Nursi's works was of Andrey Gennadyevich Rekst (born 14 March 1994). Sverdlovsk District Court in Krasnoyarsk fined him 125,000 Roubles (https://www.forum18.org/archive.php?article_id=2426) under Criminal Code Article 282.2, Part 2 on 1 October 2018. Rekst was initially arrested in March 2016 alongside Andrey Nikolayevich Dedkov (born 16 June 1979), who was tried separately and fined 250,000 Roubles (https://www.forum18.org/archive.php?article_id=2386) on 7 June 2018 by Krasnoyarsk's Soviet District Court. (END)

Full reports on freedom of thought, conscience and belief in Russia
(<https://www.forum18.org/archive.php?query=&religion=all&country=10>)

For more background see Forum 18's survey of the general state of freedom of religion and belief in Russia (https://www.forum18.org/archive.php?article_id=2246), as well as Forum 18's survey of the dramatic decline in this freedom related to Russia's Extremism Law (https://www.forum18.org/archive.php?article_id=2215)

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis
<https://www.sova-center.ru>, about the systemic problems of Russian anti-extremism legislation
(https://www.forum18.org/archive.php?article_id=1468)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments
(https://www.forum18.org/archive.php?article_id=1351)

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