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RUSSIA: Two more Muslims jailed for religious study meetings

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

A Moscow court has jailed two more Muslims for meeting to study their faith using the works of the theologian Said Nursi. The Judge jailed Zurab Dzhabrailov for 6 years and Dzheykhun Rustamov for 2 years and 9 months. Courts have banned many of Nursi's writings as "extremist" and consider groups of readers as "extremist". Kuzminsky District Court did not answer Forum 18's questions as to why it had imposed jail sentences, in what way Dzhabrailov and Rustamov are considered dangerous, and who had been harmed by their actions.

A court in Moscow has jailed two more Muslims who met with others to study the writings of the late Turkish Muslim theologian Said Nursi. Their trial, which lasted eight months and was linked to an earlier Moscow trial of six men on similar charges, ended on 10 July with prison terms of 6 years for Zurab Dzhabrailov and 2 years and 9 months for Dzheykhun Rustamov.

Dzhabrailov and Rustamov remain in detention at Moscow's Butyrka prison, where they have been held since the day after their arrests in August 2023. Both appear to have lodged appeals against their convictions (see below).

Investigators charged 45-year-old Dzhabrailov under Criminal Code Article 282.2, Part 1 ("Organisation of the activities of a banned extremist organisation"), and 54-year-old Rustamov under Part 2 ("Participating in the activities of a banned extremist organisation"). Both Muslims were accused of "continuing the activities" of "Nurdzhular", which was banned as extremist in 2008 but which Muslims in Russia deny has ever existed as a formal organisation. Typically, such Muslims meet in each other's homes to discuss the works of late Turkish theologian Said Nursi, and pray, eat, and drink tea together (see below).

The decrees charging the two defendants, seen by Forum 18, state that Nurdzhular's "main forms of activity are: publishing, translating, and distributing the works of the author Said Nursi, [and] creating groups to study his books from the Risale-i Nur [Messages of Light] collection, which contain information aimed at inciting religious discord (between believers and non-believers)" (see below).

The criminal case against Dzhabrailov and Rustamov appears to be the continuation of a wider investigation of an alleged "Nurdzhular cell" in Moscow, which has been ongoing since 2017, according to Investigative Committee and Federal Security Service (FSB) documents seen by Forum 18. It is unclear whether further prosecutions will follow (see below).

The first trial of members of this alleged "cell" began in September 2022 and ended in convictions and prison sentences for all six defendants – Yevgeny Tarasov, Mukazhan Ksyupov, Parviz Zeynalov, Urdash Abdullayev, Ilmir Abdullin, and Nikolay Nesterovich – in June 2023 (see below).

Dzhabrailov and Rustamov stand accused of involvement in the same study and prayer meetings which formed the basis of the earlier case, as well as of continuing to organise and participate in similar gatherings after their fellow Muslims were arrested and tried (see below).

Forum 18 asked Kuzminsky District Court, which convicted the two men:

- why it had imposed jail sentences;
- in what way Dzhabrailov and Rustamov are considered dangerous;
- and who had been harmed by their actions.

In her reply, court chair Judge Galina Gonchar did not answer these questions (see below).

Forum 18 also asked Moscow City Prosecutor's Office:

- in what way Dzhabrailov and Rustamov are considered dangerous;

- and who had been harmed by their actions.

Forum 18 also asked why the Prosecutor's Office had sought jail sentences, but had received no reply by the end of the Moscow working day of 25 July (see below).

Courts continue to hand down long jail terms to Jehovah's Witnesses, whose exercise of freedom of religion or belief has been banned since 2017. On 20 June 2024, the trial of six people in Khabarovsk ended in the longest prison terms yet given to Jehovah's Witnesses. The Judge handed three of the six jail terms of more than eight years (see below).

Ban on Nursi's works, meetings to study them

Muslims who meet to study the writings of the late Turkish Muslim theologian Said Nursi may be prosecuted under the Extremism Law for organising or participating in the activities of "Nurdzhular" (derived from the Turkish for "Nursi followers"). The Supreme Court banned this association as "extremist" in 2008 (https://www.forum18.org/archive.php?article_id=2897), but Muslims in Russia deny any such formal organisation ever existed. No centralised or local religious organisation associated with Nursi's teachings was registered in Russia before the ban.

Typically, such Muslims meet in homes to study Islam, with one or more expounding on Nursi's works. They also pray, eat, and drink tea together (https://www.forum18.org/archive.php?article_id=2897), and do not seek state permission to meet.

Investigative Committee materials in the case against Dzhabrailov and Rustamov, seen by Forum 18, describe "Nurdzhular" activity in Russia as "encroaching on the rights and freedoms of person and citizen [and] aimed at forming groups of the civilian population with a positive perception of death, combined with a willingness to sacrifice oneself in the interests of the doctrine, which creates favourable conditions for the formation of a resource base for other extremist or terrorist organisations using Islamic rhetoric".

Similar or identical language has featured in case materials from other Nursi-related prosecutions in Moscow (https://www.forum18.org/archive.php?article_id=2845), Dagestan (https://www.forum18.org/archive.php?article_id=2747), Krasnoyarsk Region (https://www.forum18.org/archive.php?article_id=2426), and the Republic of Tatarstan (https://www.forum18.org/archive.php?article_id=2827).

None of the materials explicitly claims that those linked to Nurdzhular are involved in any violent actions. The decrees charging the two defendants state that the association's "main forms of activity are: publishing, translating, and distributing the works of the author Said Nursi, [and] creating groups to study his books from the Risale-i Nur [Messages of Light] collection, which contain information aimed at inciting religious discord (between believers and non-believers)".

Many Russian translations of Nursi's books have been banned as "extremist", both before and since the prohibition on "Nurdzhular", despite their not calling for violence or the violation of human rights. Many Jehovah's Witness publications have similarly been banned. Banned materials are added to the Justice Ministry's Federal List of Extremist Materials (https://www.forum18.org/archive.php?article_id=2897). Anyone who produces or distributes any item on the List risks administrative prosecution.

On 28 August 2018, the European Court of Human Rights (ECtHR) in Strasbourg found that Russian bans on Nursi's works violated Article 10 (https://www.forum18.org/archive.php?article_id=2426) ("Freedom of expression") of the European Convention on Human Rights and Fundamental Freedoms (Application Nos. 1413/08 and 28621/11 (<https://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. In March 2022, Russia withdrew from the Council of Europe and the ECtHR (https://www.forum18.org/archive.php?article_id=2765) after its renewed invasion of Ukraine. In June 2022, Russia passed legislation which renders all ECtHR judgments which entered legal force since 15 March 2022 unenforceable (https://www.forum18.org/archive.php?article_id=2765) in Russia.

Jehovah's Witnesses also prosecuted and jailed

Jehovah's Witnesses are also at risk of prosecution (https://www.forum18.org/archive.php?article_id=2897) under Criminal Code Article 282.2 (https://www.forum18.org/archive.php?article_id=2897) ("Continuing the activities of a banned extremist organisation"). Almost 800 Jehovah's Witnesses have been the subject of criminal cases in 73 of Russia's 83 federal subjects within Russia's internationally recognised borders. So far, 163 people have received jail sentences in first-instance courts. (These figures do not include cases in illegally-annexed Russian-occupied Ukrainian territory (<https://www.forum18.org/archive.php?country=17>)).

Most recently, on 10 July 2024, Khorolsky District Court in Primorye Region convicted two men and one woman after a nine-month trial. The judge handed them the following sentences:

- Natalya Vladimirovna Sharapova (born 19 November 1972) – 3 years' imprisonment, plus 6 months' restrictions on freedom (https://www.forum18.org/archive.php?article_id=2897) and a 2-year ban on leading or participating in (https://www.forum18.org/archive.php?article_id=2897) the work of public religious organisations (Criminal Code Article 282.2, Part 2 (https://www.forum18.org/archive.php?article_id=2897) ("Participating in the activities of a banned extremist organisation");

- Boris Ivanovich Andreyev (born 15 November 1951) – 6 years' imprisonment, plus 1 year's restrictions on freedom (https://www.forum18.org/archive.php?article_id=2897) and a 3-year ban on leading or participating in (https://www.forum18.org/archive.php?article_id=2897) the work of public religious organisations (Criminal Code Article 282.2, Part 1 (https://www.forum18.org/archive.php?article_id=2897) ("Organisation of the activities of a banned extremist organisation");

- Anatoly Yuryevich Li (born 15 March 1985) – 6 years and 6 months' imprisonment, plus 1 year's restrictions on freedom (https://www.forum18.org/archive.php?article_id=2897) and a 3-year ban on leading or participating in (https://www.forum18.org/archive.php?article_id=2897) the work of public religious organisations (Criminal Code Article 282.2, Part 1 (https://www.forum18.org/archive.php?article_id=2897) ("Organisation of the activities of a banned extremist organisation").

All three had already spent over 600 days (around 1 year 10 monthss) in detention during the investigation and trial. They have since lodged appeals against their convictions at Primorye Regional Court.

On 20 June 2024, the trial of six people in Khabarovsk ended in the three longest prison terms yet given to Jehovah's Witnesses since the 2017 nationwide ban on their activities (https://www.forum18.org/archive.php?article_id=2897). All six have lodged appeals. The city's Industrial District Court imposed the following punishments:

- Nikolay Yuryevich Polevodov (born 10 February 1970) – 8 years and 6 months' imprisonment, plus 1 year's restrictions on freedom (https://www.forum18.org/archive.php?article_id=2897) and a 5-year ban on leading or participating in (https://www.forum18.org/archive.php?article_id=2897) public organisations (Criminal Code Article 282.2, Part 1 (https://www.forum18.org/archive.php?article_id=2897) ("Organisation of the activities of a banned extremist organisation");

- Vitaly Vyacheslavovich Zhuk (born 8 April 1972) – 8 years and 4 months' imprisonment, plus 1 year's restrictions on freedom (https://www.forum18.org/archive.php?article_id=2897) and a 5-year ban on leading or participating in (https://www.forum18.org/archive.php?article_id=2897) public organisations (Criminal Code Article 282.2, Part 1 (https://www.forum18.org/archive.php?article_id=2897) ("Organisation of the activities of a banned extremist organisation");

- Stanislav Viktorovich Kim (born 5 August 1968) – 8 years and 2 months' imprisonment, plus 1 year's restrictions on freedom (https://www.forum18.org/archive.php?article_id=2897) and a 5-year ban on leading or participating in (https://www.forum18.org/archive.php?article_id=2897) public organisations (Criminal Code Article 282.2, Part 1 (https://www.forum18.org/archive.php?article_id=2897) ("Organisation of the activities of a banned extremist organisation");

- Tatyana Valentinovna Zhuk (born 13 March 1973) – 5 years' imprisonment, suspended, with a 5-year probationary period; 1 year's restrictions on freedom (https://www.forum18.org/archive.php?article_id=2897); 4-year ban on participating in (https://www.forum18.org/archive.php?article_id=2897) public religious organisations (Criminal Code Article 282.2, Part 2 (https://www.forum18.org/archive.php?article_id=2897) ("Participating in the activities of a banned extremist organisation");

- Svetlana Grigoryevna Sedova (born 8 June 1969) – 5 years' imprisonment, suspended, with a 5-year probationary period; 1 year's restrictions on freedom (https://www.forum18.org/archive.php?article_id=2897); 4-year ban on participating in (https://www.forum18.org/archive.php?article_id=2897) public religious organisations (Criminal Code Article 282.2, Part 2 (https://www.forum18.org/archive.php?article_id=2897) ("Participating in the activities of a banned extremist organisation");

- Maya Pavlovna Karpushkina (born 19 March 1949) – 4 years' imprisonment, suspended, with a 4-year probationary period; 1 year's restrictions on freedom (https://www.forum18.org/archive.php?article_id=2897); 3-year ban on participating in (https://www.forum18.org/archive.php?article_id=2897) public religious organisations (Criminal Code Article 282.2, Part 2 (https://www.forum18.org/archive.php?article_id=2897) ("Participating in the activities of a banned extremist organisation").

Kim and Polevodov had already been convicted under Criminal Code Article 282.2, Part 2 (https://www.forum18.org/archive.php?article_id=2897) ("Participating in the activities of a banned extremist organisation") in February 2020 and had received 2-year suspended sentences with 2-year probationary periods. Their state of being a convicted person (sudimost (https://www.forum18.org/archive.php?article_id=2897)) – an exacerbating factor in subsequent trials – expired at the end of their probation.

As the two investigations and trials ran concurrently, it is unclear whether this earlier conviction had any effect on the judge's decision to impose such long jail terms. Vitaly Zhuk, however, has no other convictions, Forum 18 notes.

Seventy-five-year-old Karpushkina is among more than 200 Jehovah's Witnesses aged 60 or more

(https://www.forum18.org/archive.php?article_id=2898) who have been prosecuted for "extremist activity".

Two more prison terms for Moscow Muslims

On 10 July 2024, after 12 hearings at Moscow's Kuzminsky District Court (https://www.forum18.org/archive.php?article_id=2889), Judge Yelena Kazan found Zurab Magomedgabibovich Dzhabrailov (born 14 December 1978) and Dzheykhun Fikret ogly Rustamov (born 10 July 1970) guilty of "continuing the activities of a banned extremist organisation" for meeting with others to study Nursi's works.

Judge Kazan sentenced Dzhabrailov to 6 years' imprisonment under Criminal Code Article 282.2, Part 1 (https://www.forum18.org/archive.php?article_id=2897) ("Organisation of the activities of a banned extremist organisation"), and Rustamov to 2 years and 9 months' imprisonment under Part 2 ("Participating in the activities of a banned extremist organisation"). If their convictions enter legal force, they will serve their terms in a general-regime correctional colony. It is as yet unknown how long they may spend under restrictions on freedom (https://www.forum18.org/archive.php?article_id=2897) or bans on particular activities and occupations after being released.

According to the Moscow court system website, publication of the written verdict has been prohibited.

The two men lodged appeals on 22 July 2024, according to the court system website. They are at present in Butyrka prison in Moscow, where they have been detained since 2 August 2023 (https://www.forum18.org/archive.php?article_id=2889), the day after their arrests.

The time they have spent in Butyrka during the investigation and trial, and between conviction and appeal, will be counted against their sentences at the rate of one day in detention to a day and a half in the prison colony.

Dzhabrailov and Rustamov's address in detention is:

127055, g. Moskva

ulitsa Novoslobodskaya 45

FKU Sledstvenniy izolyator No. 2 UFSIN Rossii po g. Moskve "Butyrka"

On 11 April 2024, prosecutors had Dzhabrailov's name added to the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2897). This obliges banks to freeze an individual's assets (although small transactions are permitted). Rustamov's name does not appear to have been added.

"A proper assessment of all the facts is given"

Forum 18 wrote to Moscow's Kuzminsky District Court, which convicted Zurab Dzhabrailov and Dzheykhun Rustamov, asking:

- why it had imposed jail sentences;
- in what way the two men are considered dangerous;
- and who had been harmed by their actions.

Forum 18 also asked for details of any restrictions on freedom (https://www.forum18.org/archive.php?article_id=2897) or bans on activity to which the two men may be subject after their release.

In her 19 July reply, court chair Judge Galina Gonchar did not answer any of these questions. She stated that "When passing a verdict, the court examines all the factual circumstances of the case, as a result of which a proper assessment of all the facts is given. Any legal assessment of the arguments contained in [Forum 18's] request within the framework of its consideration is impermissible and will contradict the norms of current legislation."

Forum 18 also asked Moscow City Prosecutor's Office on 15 July 2024:

- why it had sought jail sentences;
- in what way Dzhabrailov and Rustamov are considered dangerous;
- and who had been harmed by their actions.

Forum 18 had received no reply by the end of the Moscow working day of 25 July.

Ilya Apalshin, deputy head of the criminal-judicial department of the Prosecutor's Office, responded to Forum 18's earlier enquiry (https://www.forum18.org/archive.php?article_id=2889) on 12 February 2024. He did not answer Forum 18's questions, but stated only that "the validity of the charges brought against the defendants is subject to verification during the trial with the participation of the prosecutor and assessment by the court when making a final decision on the case".

Surveillance since 2017, criminal case since 2023

The Investigative Committee opened a criminal case (https://www.forum18.org/archive.php?article_id=2889) against Zurab Dzhabrailov and Dzheykhun Rustamov on 27 July 2023 on the basis of surveillance carried out by the Federal Security Service (FSB) and the Centre for Countering Extremism. On 1 August 2023, officers arrested Dzhabrailov and Rustamov and seized from their homes copies of Said Nursi's writings (in Turkish and Russian, mostly in single copies).

"Thanks to the joint work of investigators from the capital's Investigative Committee and members of the operational services, with armed support from the National Guard, two men suspected of organising and participating in the activities of an extremist organisation were identified and detained", the Moscow Investigative Committee said in a statement on its website on 1 August 2023.

During questioning, Dzhabrailov admitted to owning books (https://www.forum18.org/archive.php?article_id=2889) by Nursi, but insisted that he had only read them alone, and had known neither that they had been banned nor of the existence or prohibition of "Nurdzhular". Rustamov refused to make any statement to investigators, citing Article 51 of the Russian Constitution, according to which nobody is obliged to testify against themselves.

In the report of its surveillance (https://www.forum18.org/archive.php?article_id=2889) of the two men, dated 21 July 2023 and seen by Forum 18, the Moscow FSB notes that Dzhabrailov "organised and conducted gatherings of participants of the international religious extremist organisation Nurdzhular, at which he, with D.F.o. Rustamov and other unspecified participants of Nurdzhular, carried out consideration and development of further plans of this religious organisation, the study of banned literature by Turkish theologian Said Nursi ('Risale-i Nur'), [and] discussion of the building of a theocratic state, 'the worldwide caliphate', on the territory of the Russian Federation. Apart from this, he explained the observance of secrecy measures and the avoidance of phrases in conversation which indicate involvement in Nurdzhular".

Another attendee of the Moscow meetings, questioned as a witness, described these gatherings (https://www.forum18.org/archive.php?article_id=2889) to investigators: "We sat in a circle and in turn began to read aloud from the works of S. Nursi. Zurab also read together with us. Each participant read on average one page in Russian, after which we discussed what was read. On average, the reading took up about 20 minutes, then we performed namaz [Muslim prayers], which also lasted about 20 minutes, after which we drank tea and discussed various everyday and life issues. In the course of conversation, those gathered discussed the fact that the works of S. Nursi and so-called 'Darsy' [lessons] are banned in the Russian Federation."

None of the documents in the case materials seen by Forum 18 accuses Dzhabrailov or Rustamov of involvement in any violent actions.

The decrees charging the two defendants state that Nurdzhular's "main forms of activity are: publishing, translating, and distributing the works of the author Said Nursi, [and] creating groups to study his books from the Risale-i Nur [Messages of Light] collection, which contain information aimed at inciting religious discord (between believers and non-believers)".

Further appeal in earlier Moscow case

Case materials seen by Forum 18 suggest that Zurab Dzhabrailov and Dzheykhun Rustamov were the subjects of investigators' attention since at least December 2017, when FSB surveillance reports name them among those regularly visiting Moscow residential addresses where the Investigative Committee later claimed an alleged "cell" of "Nurdzhular" was holding study meetings.

On 27 June 2023, Kuzminsky District Court handed prison terms (https://www.forum18.org/archive.php?article_id=2845) to four "organisers" of this alleged "cell" – Yevgeny Pavlovich Tarasov, Mukazhan Gazizovich Ksyupov, Parviz Ogtay ogly Zeynalov, and Urdash Zubayruyevich Abdullayev – and two "participants" – Ilmir Salikhovich Abdullin and Nikolay Mironovich Nesterovich.

Tarasov, Ksyupov, Zeynalov, and Abdullayev were all convicted under Criminal Code Article 282.2, Part 1 (https://www.forum18.org/archive.php?article_id=2897) ("Organisation of the activities of a banned extremist organisation"). The Judge jailed Tarasov for 6 years and 6 months, and the other three for 6 years each.

All six men appealed unsuccessfully at Moscow City Court on 8 November 2023, after which their convictions entered legal force.

Rustamov appeared as a prosecution witness in the earlier Moscow trial. Dzhabrailov was not involved, but attended many of the

hearings as a member of the public.

Lawyers for Tarasov, Ksyupov, Zeynalov, and Abdullayev have now submitted cassational appeals. The 2nd Cassational Court in Moscow registered these on 14 June 2024 and is due to consider them on 1 August 2024. It is currently unknown in which general-regime prison colonies these four men are now serving their sentences.

Their fellow defendants Abdullin and Nesterovich, who were convicted under Criminal Code Article 282.2, Part 2 (https://www.forum18.org/archive.php?article_id=2897) ("Participating in the activities of a banned extremist organisation"), were deemed to have already served their terms of 2 years and 7 months' imprisonment during their time in detention, and were therefore released from the courtroom.

Investigators had Nesterovich placed on the Interior Ministry's wanted list at some point between 1 February and 1 May 2024. None of the six yet appears on the Rosfinmonitoring "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2897). (END)

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

For background information see Forum 18's Russia religious freedom survey (https://www.forum18.org/archive.php?article_id=2897)

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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