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RUSSIA: Long-running cases against Muslims for meetings

By Victoria Arnold, Forum 18

Eleven Russian Muslims currently face "extremism" criminal charges for meeting together and reading the works of theologian Said Nursi. Two have been detained before trial since March 2016, and one has not been allowed to pray. An atheist blogger's next hearing is on 2 February.

Eleven Russian Muslims face "extremism" criminal charges for meeting together to read and study the works of Turkish theologian Said Nursi. Two of the Muslims, Ziyavdin Dapayev from Dagestan and Andrei Dedkov from Krasnoyarsk, have been in pre-trial detention since March 2016. Prison authorities have not allowed Dedkov to pray, as this "is a violation of internal regulations". Another Krasnoyarsk Muslim, Andrei Rekst, is still under house arrest. The FSB security service is continuing its investigations of Dapayev, Dedkov, Rekst, and two fellow defendants (all under travel restrictions) in two separate cases. "Expert analysis" of FSB surveillance of Dedkov and Rekst has "revealed signs of an international religious association" (see below).

A similar case against Imam Komil Odilov is expected to reach a Novosibirsk court sometime in Spring 2017, Forum 18 has learned (see below).

On 25 January the trial began in Blagoveshchensk of another Muslim accused of meeting with others to read Nursi's works. The accused, Yevgeny Kim, has been in detention since December 2015 (see F18News 26 January 2017 <http://www.forum18.org/archive.php?article_id=2250>).

The next hearing in the Stavropol trial of atheist blogger Viktor Krasnov, accused under Criminal Code Article 148, Part 1 ("Public actions expressing obvious disrespect for society and committed with the intention of insulting the religious feelings of believers"), is due on 2 February (see below).

Prosecutions of Muslims meeting to read Nursi's works

Muslims who have met to read and discuss Nursi's books are typically accused of allegedly creating "cells" of a banned alleged "extremist" organisation "Nurdzhular", which Muslims in Russia deny exists. They are then charged 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") (see Forum 18's "extremism" Russia religious freedom survey <http://www.forum18.org/archive.php?article_id=2215>).

The 11 accused are being prosecuted under the pre-July 2016 version of Criminal Code Article 282.2. If convicted under Part 1, they could receive fines of 300,000 to 500,000 Roubles, compulsory labour of up to five years, or prison sentences of two to six years. If convicted under Part 2, they could receive fines of up to 300,000 Roubles, compulsory labour of up to three years, or prison sentences of up to four years (see Forum 18's previous July 2012 "extremism" Russia religious freedom survey <http://www.forum18.org/archive.php?article_id=1724>).

In July 2016 increased Article 282.2 punishments were introduced (see Forum 18's "extremism" Russia religious freedom survey <http://www.forum18.org/archive.php?article_id=2215>). No prosecutions under these harshened punishments are yet known to have happened.

Nine of the 11 accused Muslims are on the list of alleged "terrorists and extremists" maintained by the Federal Financial Monitoring Service (Rosfinmonitoring) - even though they have not been convicted. Banks must freeze the assets of anyone on the list, but small transactions not exceeding 10,000 Roubles per month are allowed (see Forum 18's "extremism" Russia religious freedom survey <http://www.forum18.org/archive.php?article_id=2215>).

Dagestan

Three Muslims who read Nursi's works await trial in Dagestan's capital Makhachkala. Ziyavdin Badirsoltanovich Dapayev (born 12

May 1982) is still in custody, 10 months after he was arrested in a March 2016 series of FSB raids across the republic (see F18News 11 April 2016 <http://www.forum18.org/archive.php?article_id=2166>).

At the end of December 2016, Makhachkala's Soviet District Court extended Dapayev's detention until 4 March 2017, his lawyer Murtazali Barkayev told Forum 18 on 31 January.

Dapayev's fellow defendants, Sukhrab Abdulgamidovich Kaltuyev (born 13 November 1981) and his brother Artur Abdulgamidovich Kaltuyev (born 15 June 1986), are under travel restrictions - Sukhrab was released from detention at the beginning of September 2016, Imam Ilhom Merazhov, who is following the case, told Forum 18 on 8 December 2016. All three men appear on the Rosfinmonitoring list.

Prosecutors have charged Dapayev under Criminal Code Article 282.2, Part 1 for the alleged "organisation of" an alleged "Nurdzhular cell". The Kaltuyev brothers are both charged under Part 2 for alleged "participation in" an alleged "Nurdzhular cell". The FSB's investigation is still ongoing, but defence lawyer Barkayev expects that prosecutors will submit the case to Makhachkala's Lenin District Court in late February.

Officers confiscated hundreds of books, including allegedly "extremist" material, in March 2016 raids in four Dagestani cities - Makhachkala, Khasavyurt, Izberbash, and Derbent. Officers also confiscated suspects' computers and phones. Fourteen people were arrested, most of whom were later released (see F18News 11 April 2016 <http://www.forum18.org/archive.php?article_id=2166>). Dapayev's prison address is:

367012 Respublika Dagestan

Makhachkala

ulitsa Levina 45

Sledstvenny Izolyator No. 1

Russia

Calls to the prison went unanswered on 31 January when Forum 18 telephoned to ask about Dapayev's conditions there. According to his lawyer, Dapayev is being permitted to pray and to read the Koran and other "non-banned" religious books.

Previous conviction, court-ordered book destruction

Dapayev has previously been charged with "extremist" activity for alleged involvement in "Nurdzhular" after September 2010 armed raids on the homes of Muslims who were thought to read Nursi's works (see F18News 29 October 2010 <http://www.forum18.org/archive.php?article_id=1504>). In May 2011 he received a three-year suspended sentence. Books containing texts from the Koran were also ordered to be destroyed (see F18News 21 June 2011 <http://www.forum18.org/archive.php?article_id=1582>).

On appeal Dapayev's suspended sentence was upheld, but the books were ordered to be handed to the Dagestan Muslim Board "for a decision on the question of the destruction of the banned books and pamphlets". Russian law bans handing over state functions - such as this decision - to religious organisations (see F18News 10 October 2011 <http://www.forum18.org/archive.php?article_id=1623>).

Dapayev challenged this, and on 19 March 2012 up to 70 copies of translations of 15 different Islamic books by Nursi were ordered to be destroyed. However, other Islamic books were ordered to be returned. "I've never encountered the practice of destroying religious literature in Russia before", Dapayev's lawyer Barkayev told Forum 18 (see F18News 21 March 2012 <http://www.forum18.org/archive.php?article_id=1682>).

Krasnoyarsk

Andrei Nikolayevich Dedkov (born 16 June 1979) also remains in custody since his 13 March 2016 arrest in Krasnoyarsk (see F18News 11 April 2016 <http://www.forum18.org/archive.php?article_id=2166>). In late December 2016 or January 2017, a Krasnoyarsk court apparently extended Dedkov's detention until March, a fellow Muslim told Forum 18 on 28 January. This would mean Dedkov would be detained for a year.

Prosecutors are investigating Dedkov for the alleged "organisation of" an alleged "Nurdzhular cell". The FSB security service's investigation is continuing, according to Imam Ilhom Merazhov, who is also following the case. This is the third time Dedkov has been prosecuted under Criminal Code Article 282.2, Part 1 ("Organisation of the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection

with the carrying out of extremist activity") (see below).

Fellow Krasnoyarsk Muslim Andrei Gennadyevich Rekst (born 14 March 1994) is still under house arrest, having been charged at the same time as Dedkov under Criminal Code Article 282.2, Part 2 for alleged "participation in" an alleged "Nurdzhular cell" (see F18News 29 June 2016 <http://www.forum18.org/archive.php?article_id=2193>). Both men are on the Rosfinmonitoring list.

When the case will come to trial is unknown. Spokeswoman Anna Sheludko of Soviet District Court in Krasnoyarsk, which has tried Dedkov on two previous occasions, confirmed to Forum 18 on 26 January that no further case against him had been submitted to her court.

Forum 18 wrote to the Krasnoyarsk FSB on 6 April and 8 December 2016, asking why Dedkov was considered dangerous, how long he was likely to be detained, and when and where he and Rekst are to be tried. Forum 18 had received no response as of 31 January 2017. Dedkov's prison address is:

660075 Krasnoyarskaya Oblast

Krasnoyarsk

ulitsa Respubliki 72

Sledstvenny Izolyator No. 1

Russia

No prayer allowed in prison

The prison has previously refused to answer Forum 18's questions about Dedkov's freedom of religion and belief while in detention, saying that all requests for information must be sent by post.

Prison authorities have not allowed Dedkov to pray, as this "is a violation of internal regulations" (see F18News 29 June 2016 <http://www.forum18.org/archive.php?article_id=2193>). This violates the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules) (see Forum 18's general Russia religious freedom survey <http://forum18.org/archive.php?article_id=2246>).

FSB surveillance, "expert analysis"

The FSB security service conducted audio surveillance of several Muslims in Krasnoyarsk for much of 2015, according to "expert analysis" documents seen by Forum 18. The FSB then sent the recordings, along with books confiscated from Rekst's home and material from his VKontakte social network profile, to the Siberian Federal University in Krasnoyarsk, to be examined by Vyacheslav Kudashov (head of the Philosophy Department) and Tatyana Uzchenko (a senior philosophy lecturer, specialising in religious studies).

Such "expert analyses" can be biased and may be produced by people who are not "experts" (see Forum 18's "extremism" Russia religious freedom survey <http://www.forum18.org/Archive.php?article_id=2215>). Kudashov has previously produced "expert analyses" that led to some Jehovah's Witness texts being banned nationwide as "extremist" in January 2013, for "a negative evaluation of traditional Christianity and its religious leaders" (see F18News 27 March 2013 <http://www.forum18.org/archive.php?article_id=1818>).

Kudashov and Uzchenko were asked to determine: whether it was possible to identify any religious or social grouping or the structure of an association from the materials provided; whether the materials contained "propaganda of any religious doctrine, combined with intolerance to people of other beliefs or worldviews"; and whether they indicated "any actions aimed at involving other people by means of persuasion, conviction, requests, [or] suggestions".

Kudashov and Uzchenko concluded that "between 25 May and 17 December 2015, religious gatherings were systematically conducted, consisting of the reading of Said Nursi's works, commentary from an authoritative person, and collective discussion". They added that Rekst participated in these and stored Nursi's works, "some titles in a quantity greater than necessary for personal use, which indicates the possibility of spreading the ideas of the teachings of Said Nursi".

A conversation Rekst had with a friend about a planned trip to Turkey is taken as evidence that he was recruiting the friend to "Nurdzhular". That other people at the recorded religious gatherings asked Dedkov questions allegedly shows that he is the leader of the group and organiser of their meetings.

Kudashov and Uzchenko claim that their analysis of the recordings "revealed signs of an international religious association in the

city of Krasnoyarsk, the presence of an organisational structure, and recognition of the authority of Andrei Dedkov. The actions of Dedkov show signs of the implementation of extremist activity, reading and commenting on the text of extremist material .. to an unidentified group of persons."

Earlier prosecutions of Dedkov with others

Dedkov was first prosecuted for reading Nursi's works in 2010. But the case against him and three fellow Muslims - Aleksei Gerasimov, Yevgeny Petry and Fizuli Askarov - ran out of time in February 2012 (see F18News 5 March 2012 <http://www.forum18.org/archive.php?article_id=1675>).

Dedkov then faced identical charges in 2014-5, and was convicted alongside Aleksei Kuzmenko on 18 December 2015 at Soviet District Court. They were fined 150,000 Roubles and 100,000 Roubles respectively (see F18News 21 January 2016 <http://www.forum18.org/archive.php?article_id=2141>). On 26 January 2016 Krasnoyarsk Regional Court upheld Dedkov and Kuzmenko's convictions, but waived their fines as the two-year statute of limitations had expired by the time their appeal was heard.

Novosibirsk

Imam Komil Olimovich Odilov (born 18 August 1975) was released from pre-trial detention at the beginning of September 2016, his lawyer Yuliya Zhemchugova told Forum 18 on 8 December 2016. He is now under travel restrictions.

The FSB security service investigation into Odilov is still underway, the lawyer added on 11 January 2017. However, she "tentatively" thinks that the case will come to court by the spring of 2017.

Prosecutors have charged Odilov under Criminal Code Article 282.2, Part 1 for the alleged "organisation of" an alleged "Nurdzhular cell". Three other Novosibirsk Muslims - Uralbek Karaguzinov (born 21 July 1954), Mirsultan Takhir-ogly Nasirov (born 8 October 1997); and Timur Musafarovich Atadzhanov (21 April 1988) - have been charged alongside him under Criminal Code Article 282.2, Part 2 for alleged "participation in" an alleged "Nurdzhular cell".

Karaguzinov and Nasirov have been placed under travel restrictions, while Atadzhanov's whereabouts are unknown and he has been added to the federal wanted list. All four men are on the Rosfinmonitoring list of "terrorists and extremists".

The FSB security service has ordered "expert religious-studies and psycho-linguistic analysis" to be carried out, Imam Merazhov, who was prosecuted alongside Odilov in 2013, told Forum 18 on 9 January. Lawyer Zhemchugova thinks that this is the last stage of the investigation and the case will be submitted to court once it has been completed.

Odilov, Karaguzinov, Nasirov and Atadzhanov were among nine Muslims originally detained by the FSB security service at an Azerbaijani cafe in Novosibirsk on the night of 5 December 2015 (see F18News 29 June 2016 <http://www.forum18.org/archive.php?article_id=2193>). Most were released the next morning after questioning, but officers searched their homes. Officers confiscated copies of Nursi's books from Odilov's flat, along with his computer and phone.

Odilov remained in custody in Novosibirsk's Investigation Prison No. 1 for nine months until September 2016, in conditions Merazhov described as "severe" and "overcrowded" (see F18News 21 January 2016 <http://www.forum18.org/archive.php?article_id=2141>).

FSB surveillance, arrest, flawed trial, conviction, ECtHR appeal

On 22 June 2010 Odilov was arrested as he got off a Krasnoyarsk-Novosibirsk train, as he was suspected of being about to distribute "extremist" literature. The arrest appears to have followed FSB security service surveillance (see F18News 27 July 2010 <http://www.forum18.org/archive.php?article_id=1470>).

On 11 October 2011 prosecutors in Novosibirsk opened an "extremism" case against Odilov and fellow-imam Merazhov, after police seeking Nursi literature raided a group of about 15 Muslims - including both men - while they were eating plov (rice) at Odilov's flat (see F18News 14 October 2011 <http://www.forum18.org/Archive.php?article_id=1625>).

There were numerous inconsistencies in the prosecution case, whose evidence strengthened the Imams' counterclaims that they reject violence. There were also numerous flaws in an "expert analysis" commissioned by the prosecution (see F18News 28 February 2013 <http://www.forum18.org/archive.php?article_id=1808>).

Yet in May 2013 a court convicted Odilov and fellow imam Merazhov under Criminal Code Article 282.2, Part 1 for allegedly organising "Nurdzhular" activity. At that trial Judge Anna Pozdnyakova dismissed the Imam's testimony for "contradicting the testimony of the prosecution". The prosecution also admitted that "the deed of which they are incriminated does not envisage any kind of extremist activity". Both men were handed a one-year conditional sentence (see F18News 18 June 2013 <http://www.forum18.org/archive.php?article_id=1848>).

After the Supreme Court rejected their appeal, Odilov and Merazhov appealed in January 2014 to the European Court of Human Rights (ECtHR) in Strasbourg (Application No. 6731/14 and Application No. 6738/14) (see F18News 10 April 2014 <http://www.forum18.org/archive.php?article_id=1946>). An ECtHR spokesperson told Forum 18 on 31 January 2017 that no decision had yet been taken as to the admissibility of the cases.

Stavropol atheist trial

The Stavropol trial of atheist blogger Viktor Krasnov (known on social media as Viktor Kolosov) resumed with the 18th hearing on 30 January 2017 at the city's Industrial District Magistrate's Court No. 6, Forum 18 has learned. Krasnov is being tried under Criminal Code Article 148, Part 1 ("Public actions expressing obvious disrespect for society and committed with the intention of insulting the religious feelings of believers"). The next hearing is due on 2 February.

Prosecutors accuse Krasnov of "crimes" committed online on the Vkontakte social network, including stating that "there is no God" and calling the Bible "a collection of Jewish fairy tales". Krasnov also described as "rubbish" a verse in St Paul's first letter to the Corinthians claiming that: "Christ is the head of every man, and the husband is the head of his wife, and God is the head of Christ". Among other comments, Krasnov described attending church at Easter and Christmas as "herd mentality". The freedom to criticise any religious or non-religious belief is part of Russia's international freedom of religion and belief obligations (see F18News 3 December 2015 <http://www.forum18.org/archive.php?article_id=2128>).

The criminal charge followed an April 2015 raid by "Anti-extremism" Police on Krasnov's home, during which they seized his computer. The first hearing in the case was held on 18 November 2015 (see F18News 3 December 2015 <http://www.forum18.org/archive.php?article_id=2128>).

Criminal Code Article 148 came into force in July 2013, and also punishes "illegal obstruction" of religious activities. But prosecutions under it are not common (see Forum 18's general Russia religious freedom survey <http://www.forum18.org/archive.php?article_id=2246>).

During some hearings of Krasnov's case, prosecutors and psychological and linguistic "experts" failed to appear in court (see F18News 11 April 2016 <http://www.forum18.org/archive.php?article_id=2166>).

In June 2016 Judge Aleksandr Filimonov suspended proceedings after what was then 17 hearings. He ordered that psychological and linguistic "experts" try to ascertain whether it is possible to discern the "communicative purpose" of Krasnov's remarks based only on fragments of text. He also ordered that they should evaluate whether Krasnov's remarks contained language which was abusive towards individuals, beliefs or "attributes of faith" on the grounds of belonging to the Moscow Patriarchate Russian Orthodox Church (see F18News 29 June 2016 <http://www.forum18.org/archive.php?article_id=2193>).

Krasnov's lawyer also requested that a representative of the Moscow Patriarchate be called to court to establish who exactly is being defended by the state - Krasnov's two online interlocutors or all Moscow Patriarchate Orthodox. Stavropol Diocese failed to send anyone to the 30 January hearing, Krasnov stated on his VKontakte page. He added that the court has repeated the summons.

Krasnov himself stated on 16 January that he has requested that his trial should continue beyond the two-year limit on criminal proceedings. (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>.

A printer-friendly map of Russia is available at <<http://nationalgeographic.org/education/mapping/outline-map/?map=Russia>>.

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