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RUSSIA: Two years' jail to punish religious study meetings

By Victoria Arnold, Forum 18

The two-year jail term a Novosibirsk court handed to Imam Komil Odilov on 29 June brings to 13 the number of people known to have been given custodial sentences to punish them for meeting with others to study Islam using the works of Turkish theologian Said Nursi.

Another Muslim has received a prison term for meeting to study Islam using the works of the late Turkish theologian Said Nursi. A Novosibirsk court sentenced 42-year-old Imam Komil Odilov on 29 June to two years' imprisonment. He was taken into custody straight from the courtroom.

Odilov's jailing brings to 13 the number of people known to have been given custodial sentences for alleged involvement in "Nurdzhular", an organisation which Muslims in Russia deny even exists, since it was banned in 2008. Many others have received fines or suspended sentences (see below).

Prosecutors in Krasnoyarsk, meanwhile, have lodged an appeal against the fine imposed in June on Andrei Dedkov, also for alleged leadership of a "Nurdzhular" cell. They argue that the sentence is too lenient (see below).

In Dagestan, Ilgar Aliyev has appealed against his conviction. A court jailed him in May for eight years, the longest known prison term for studying Nursi's works (see below).

Odilov, Dedkov, and Aliyev 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").

A further three Muslims remain on trial 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"): Andrei Rekest and Sabirzhon Kabirzoda in Krasnoyarsk and Yevgeny Sukharev in the Krasnoyarsk Region town of Sharypovo. It is as yet unknown when these trials will end.

Prosecuted for meeting to study their faith

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. Law enforcement authorities 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 – or in custody with appeals pending – 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).

Jehovah's Witnesses also prosecuted

After multiple armed raids between January and June 2018, more than 30 Jehovah's Witnesses also now face similar criminal cases in 14 regions across Russia. According to the European Association of Jehovah's Witnesses, 21 of them are being held in pre-trial detention.

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") (see F18News 6 June 2018 http://www.forum18.org/archive.php?article_id=2385).

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 6 June 2018 http://www.forum18.org/archive.php?article_id=2385).

The raids and detentions of Jehovah's Witnesses derive directly from the 2017 liquidation of their Administrative Centre as an "extremist organisation", and the consequent nationwide ban on their 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. Two Jehovah's Witnesses are already on trial in Oryol and Kabardino-Balkariya for "extremism"-related offences not directly related to the nationwide ban (see F18News 6 June 2018 http://www.forum18.org/archive.php?article_id=2385).

Novosibirsk: Two-year jail term

The trial of Imam Komil Odilovich Odilov (born 18 August 1975) at Novosibirsk's October District Court, which began on 27 December 2017, finally ended on 29 June 2018. Judge Yevgeny Zakharov handed down a sentence of two years' imprisonment in a general-regime correctional colony.

Prosecutors charged Odilov 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"). Like Aliyev and Dedkov, he is alleged to have organised 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 (see F18News 1 March 2018 http://www.forum18.org/archive.php?article_id=2358).

Odilov was among nine people detained by the FSB at an Azerbaijani cafe in Novosibirsk in December 2015. Most were released the next day after interrogation and searches of their homes, but Odilov was not, being held in described as "severe" and "overcrowded" (see F18News 21 January 2016 http://www.forum18.org/archive.php?article_id=2141). He 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).

Since January 2016, Odilov has been 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).

Odilov, who had been free under travel restrictions during court proceedings, was taken into custody directly from the courtroom, a fellow Muslim who has been following the case told Forum 18.

Prosecutors had asked for a term of five years. It is unclear why Judge Zakharov decided on two years, which is the minimum custodial sentence stipulated under the pre-July 2016 version of Criminal Code Article 282.2 Part 1 (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=2215). Both sides are likely to appeal against the decision, Odilov's fellow Muslim commented to Forum 18 on 29 June.

Forum 18 wrote to both October District Court and Novosibirsk Regional Prosecutor's Office before the start of the Novosibirsk working day of 2 July 2018, asking why a custodial sentence had been considered necessary and whether prosecutors are planning to appeal. Forum 18 received no reply by the end of the working day.

The Novosibirsk FSB, which conducted the investigation of Odilov and several other Muslims in the city, has repeatedly failed to respond to Forum 18's questions about the case.

Odilov spent nearly 10 months in pre-trial detention early in the investigation, before being released under travel restrictions in

September 2016. If the verdict enters legal force, 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 correctional colony, his lawyer Yuliya Zhemchugova explained to Forum 18 on 2 July.

It is unknown whether Odilov will be subject to any further restrictions on freedom after his release. According to the Criminal Code, such restrictions may include a prohibition on moving house and travelling outside one's place of residence without permission, a ban on holding particular jobs, and/or a requirement to report regularly to probation authorities.

Other Novosibirsk cases

A total of six Novosibirsk Muslims were charged, but Odilov is the only one to have come to a full trial. Prosecutors closed the criminal cases against three of the others – Uralbek Karaguzinov (born 21 July 1954), Mirsultan Takhir-ogly Nasirov (born 8 October 1997), and Bobirjon Baratovich Tukhtamurodov (born 9 July 1975) – under Criminal Code Article 76.2. This permits the "release from criminal liability" of people who have committed a minor or moderate-severity first offence upon payment of a judicial fine (see F18News 27 April 2018 http://www.forum18.org/archive.php?article_id=2373).

Prosecutors closed the criminal cases against Karaguzinov, Nasirov, and Tukhtamurodov in circumstances that Muslims thought would have negative consequences for Odilov's case, as prosecutors used the guilty pleas of two of the suspects to "prove" the existence of "Nurdzhular" in related cases (see F18News 27 April 2018 http://www.forum18.org/archive.php?article_id=2373).

The Novosibirsk FSB is continuing its investigation of 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 (see F18News 27 April 2018 http://www.forum18.org/archive.php?article_id=2373).

Merazhov and Atadzhanov also appear on the Rosfinmonitoring "List of Terrorists and Extremists". The names of Karaguzinov, Nasirov, and Tukhtamurodov have been removed.

Second sentence for Odilov

This is the second time that Odilov and Merazhov have 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"). In May 2013, they each received a one-year suspended sentence for allegedly organising "Nurdzhular" activity in Novosibirsk. Merazhov described the verdict at the time as "nonsense" (see F18News 18 June 2013 http://www.forum18.org/archive.php?article_id=1848).

In February 2014, both men appealed against their convictions to the European Court of Human Rights (ECtHR) in Strasbourg (Application Nos. 6738/14 and 6731/14) (see F18News 10 April 2014 http://www.forum18.org/archive.php?article_id=1946). The ECtHR put questions to the Russian government about both cases on 31 August 2017. The Russian government submitted its responses on 14 March 2018, the ECtHR told Forum 18 on 2 July (see <http://hudoc.echr.coe.int/eng/?i=001-177189>).

Krasnoyarsk: Appeal against fine

Prosecutors are appealing in the case of Andrei Nikolayevich Dedkov (born 16 June 1979). Krasnoyarsk's Soviet District Court fined him 250,000 Roubles (more than six months' average local wages) on 7 June for allegedly leading a "Nurdzhular cell" (see F18News 8 June 2018 http://www.forum18.org/archive.php?article_id=2386).

Because his alleged offence took place before July 2016, Dedkov was prosecuted under earlier regulations which stipulated fines of 300,000 to 500,000 Roubles, compulsory labour of up to five years, or imprisonment for up to six years for convictions 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 Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=2215). Neither the court nor prosecutors have explained to Forum 18 why Dedkov was fined an amount below the minimum.

Krasnoyarsk's Soviet District Prosecutor's Office lodged an appeal on 15 June, Krasnoyarsk Region's Deputy Prosecutor Sergei Karapetyan told Forum 18 on 18 June, "in view of [the punishment's] excessive leniency". The appeal will be heard at Krasnoyarsk Regional Court, but the date is unknown. Prosecutors had requested a sentence of five years' imprisonment.

Other Krasnoyarsk trials continue

The trials of three other Muslims from Krasnoyarsk Region continue 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").

Andrei Gennadyevich Rekst (born 14 March 1994) was charged alongside Dedkov after they were both detained in March 2016. Since May 2017, he has appeared 24 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). The next hearing is due on 23 July 2018. He was not held in custody during the investigation and is currently still free on bail.

Sabirzhon Shamsidinovich Kabirzoda (born 4 May 1991) and Yevgeny Igoryevich Sukharev (born 9 April 1990), both friends of Rekst and Dedkov, were charged in December 2017, although Kabirzoda had been a suspect in Dedkov and Rekst's case since December 2016 (see F18News 27 April 2018 http://www.forum18.org/archive.php?article_id=2373).

Sukharev's trial began on 20 April before Judge Inga Gavritskaya at Sharypovo City Court in Krasnoyarsk Region (see F18News 27 April 2018 http://www.forum18.org/archive.php?article_id=2373).

Like Rekst and Dedkov, Kabirzoda has also been put on the Rosfinmonitoring "List of Terrorists and Extremists", whose assets banks are obliged to freeze (see Forum 18's Russia "extremism" religious freedom survey http://www.forum18.org/archive.php?article_id=2215). However, Sukharev is not on the List.

Kabirzoda has undergone 19 hearings at Krasnoyarsk's Soviet District Court before Judge Marina Shtruba – his next hearing is scheduled for 31 July. Sukharev has made seven appearances so far at Sharypovo City Court (some 300 kms from Krasnoyarsk) – the next is due on 12 July before Judge Inga Gavritskaya.

Prosecutors have placed Sukharev under travel restrictions. Kabirzoda does not appear to be under travel restrictions and is not in detention or under house arrest, a fellow Muslim told Forum 18.

Dedkov, Rekst, and Kabirzoda all appear on the Rosfinmonitoring "List of Terrorists and Extremists". Sukharev does not.

Dagestan appeal against 8-year jail term

On 28 May, Izberbash City Court sentenced Ilgar Vagif-ogly Aliyev (born 16 February 1977) to eight years' imprisonment (plus two years of restrictions on freedom) under 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 Article 282.2, Part 1.1 ("Inclination, recruitment, or other involvement of a person in the activities of an extremist organisation") (see F18News 8 June 2018 http://www.forum18.org/archive.php?article_id=2386).

Aliyev is now challenging his conviction. A spokeswoman for Izberbash City Court confirmed to Forum 18 on 2 July that he has lodged an appeal, but said that she did not know when the hearing would take place. When Forum 18 called the Supreme Court of the Republic of Dagestan, where the appeal will be considered, a spokeswoman explained that it had not yet been received.

Aliyev intends to challenge the ruling "right up to the European Court of Human Rights", a fellow Muslim told Forum 18 shortly after Judge Magomed Murtazaliyev issued his decision. While his appeal is pending, he remains in detention at Investigation Prison No. 2 in Derbent.

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