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RUSSIA: Imams' defence rejected "for contradicting prosecution"

By Geraldine Fagan, Forum 18 (<https://www.forum18.org/>)

Ilhom Merazhov – one of two imams given a one-year suspended prison sentence on 27 May in the Siberian city of Novosibirsk after a three month criminal trial on "extremism" charges – has expressed his astonishment. "Convicted of organising an extremist organisation when we didn't conduct extremist activity - it's nonsense!" he told Forum 18 News Service. Prosecutor's Office official Sergei Ageyev even admitted in court that "the deed of which they are incriminated does not envisage any kind of extremist activity", according to the transcript. The verdict orders a large quantity of Muslim literature from the imams' personal libraries to be destroyed as "weapons of the crime". "I'm speechless, this is the same as destroying the Koran. It's blasphemy!" Merazhov insisted. In a case on the same criminal charges in the southern Russian town of Taganrog, where the local Jehovah's Witness congregation has been banned as "extremist", the criminal trial of 16 of its members has begun.

"Convicted of organising an extremist organisation when we didn't conduct extremist activity - it's nonsense!" Ilhom Merazhov remarked to Forum 18 News Service from the Siberian city of Novosibirsk on 13 June. Merazhov and fellow imam Komil Odilov each received one-year suspended prison sentences on 27 May for organising the activity of banned "extremist" organisation "Nurdzhular", charges they denied.

Causing Merazhov's astonishment, even Sergei Ageyev of Novosibirsk's October District Prosecutor's Office admitted in his 14 May closing arguments that "the deed of which they are incriminated does not envisage any kind of extremist activity," according to the transcript of the imams' four-month trial. Seen by Forum 18, the transcript also contains no evidence that "Nurdzhular" exists (see below).

The sentences against Merazhov and Odilov were handed down 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") after a trial lasting three months. They both lodged an appeal against their sentences on 5 June but have yet to hear when this will be considered, Merazhov told Forum 18. "But I will appeal at all levels – I don't agree because there is no proof."

Despite repeated calls to Novosibirsk on 17 June, there was no response from either October District Magistrate Court No.7 - where Magistrate Anna Pozdnyakova handed down the verdict - or October District Public Prosecutor's Office.

In the Black Sea coast town of Taganrog, meanwhile, another key trial for involvement in a banned "extremist" organisation – the local Jehovah's Witness congregation – has begun against 16 Jehovah's Witnesses (see below).

Latest Nursi reader trial

Merazhov and Odilov are the latest readers of Islamic theologian Said Nursi to be tried as organisers of "Nurdzhular" (a russification of "Nurcular", Turkish for "Nursi followers"). Russia's Supreme Court banned "Nurdzhular" as an "extremist" organisation in April 2008. Nursi readers deny they form part of any such organisation (see Forum 18's Russia "Extremism" religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

From a Turkish Sufi background, Said Nursi (1876-1960) attempted to integrate Islamic and modern scientific thought. Known for biting opposition to the social consequences of atheist ideology, he once wrote to the Vatican suggesting that Muslims and Christians should join forces against it. While Nursi spent many years in internal exile and prison under the rigidly secularist regime of Mustafa Kemal Atatürk, his works are now freely read in Turkey.

Merazhov and Odilov are imams with the Spiritual Directorate of Muslims of the Asian Part of Russia, an affiliate of the Council of Muftis, whose senior representatives broadly support the regime of President Vladimir Putin. Even before their case came to court, Forum 18 found numerous inconsistencies in the prosecution's allegations against the pair (see F18News 28 February 2013 http://www.forum18.org/Archive.php?article_id=1808).

Lenient sentence?

The harshest punishment for organising a banned "extremist" organisation under Article 282.2 of the Criminal Code is three years in prison; for participation, two years.

To date, five Nursi readers have received prison terms under this article for involvement in "Nurdzhular". The longest period any of these is known to have spent in prison is nearly eight months. Five more Nursi readers have received suspended sentences (see F18News 6 June 2012 http://www.forum18.org/archive.php?article_id=1709).

The latest ruling against the Novosibirsk imams therefore appears relatively lenient. In his summing-up, Public Prosecutor Ageyev asked for their positive character assessments to be taken into account and – instead of imprisonment – for them to be fined a total of 350,000 Roubles (63,000 Norwegian Kroner, 8,200 Euros or 11,000 US Dollars).

Yet while suspended, the sentences may prove a significant impediment to Merazhov and Odilov's ability to practise Islam freely if upheld. The 27 May verdict orders a large quantity of Muslim literature from their personal libraries to be destroyed as "weapons of the crime" (Criminal Procedure Code, Article 81, Part 3.1).

Merazhov estimated to Forum 18 that the books confiscated from his home represent about 10 per cent of his personal library. "These books haven't been banned, or evaluated by any expert analysis," he noted. "They're in Turkish, Arabic, English – one is a biography of Said Nursi published by a New York university!"

Merazhov went on to recall that another confiscated work contains numerous quotations from the Koran in the original Arabic. "And if they're going to burn it or something – I'm speechless, this is the same as destroying the Koran. It's blasphemy, it's a nightmare!"

Nursi's writings and Jehovah's Witness literature confiscated during administrative or criminal cases is often ordered destroyed (see F18News 11 October 2012 http://www.forum18.org/archive.php?article_id=1753).

Magistrate Pozdnyakova's verdict also orders the imams to maintain "appropriate behaviour" as a condition of their suspended sentences. Yet this is not defined, Merazhov pointed out to Forum 18. "What am I supposed to do – not read books?"

The imams' circle already worships in an atmosphere of state intimidation, particularly since the October 2011 police raid on Odilov's flat that precipitated the trial. Two young boys present during that raid continue to suffer nightmares, their fathers Uralbek Karaguzinov and Sultan Abas told the Novosibirsk court in mid-March (see F18News 14 October 2011 http://www.forum18.org/Archive.php?article_id=1625).

Evidence dismissed for "contradicting prosecution"

In the course of the Novosibirsk trial over 20 witnesses – including Karaguzinov, Abas and other Muslims who worshipped with the two imams – testified that they had never heard the pair mention "Nurdzhular" or discuss sharia-based government. Three independent interpreters who listened to police recordings made secretly at Odilov's flat also confirmed that these contained no references to "Nurdzhular", calls to violence or denigration of representatives of other religions.

The two defendants insisted from the outset that they had not engaged in any form of "extremism". On 28 February, for instance, Merazhov told the court that he feels positively about Russia being a secular state: "God gave people freedom, it's not right to institute a religion by force, Islam envisages only voluntary acceptance of religion."

Yet Magistrate Pozdnyakova decided the defendants were simply trying "to avoid liability for the deeds committed". She even dismissed the imams' testimony as "unreliable" merely for "contradicting the testimony of the prosecution".

No evidence of organisation

Previously unattainable, the 10 April 2008 Supreme Court ruling banning "Nurdzhular" was shown in the course of the Novosibirsk trial (see F18News 20 June 2013 http://www.forum18.org/archive.php?article_id=1849). Some of the characteristics by which it identifies "Nurdzhular" were listed by the imams' defence lawyer Yelena Fedorova on 16 May: aiming to create a worldwide Islamic state or caliphate; promoting enmity between Muslims and non-believers; infringing upon the personality, rights and freedoms of the citizen.

Yet the prosecution failed to offer any evidence identifying such characteristics in Merazhov and Odilov's activity. For instance, a prosecution witness, Aleksandr Tokarev of the Counter-extremism Police, stated that the Supreme Court had banned "Nurdzhular" partly for "violating the integrity of Russia, creating pro-Turkish sentiment". But he went on to confirm that the Novosibirsk case "contains no concrete facts of violation of the integrity of Russia".

In his 20 March testimony, Tokarev further admitted that he had seen no evidence that Merazhov's actions had harmed anyone's rights or freedoms. Asked by Merazhov what was "illegal" about his activity, Tokarev replied: "You didn't express your religious

convictions openly, you gathered secretly in a flat (..) If you're not doing anything illegal, then why not invite more people?"

Contacted by Forum 18 at the start of the trial, Tokarev repeated the content of the September 2012 written charges against the two imams and the 2008 Supreme Court decision, but refused to comment further (see F18News 27 February 2013 http://www.forum18.org/Archive.php?article_id=1807).

In his 14 May summing-up, Public Prosecutor Ageyev similarly admitted that, "the defendants may not themselves have expressed any extremist views." However, he insisted that they were still responsible for unspecified future activity by others, being "nevertheless able to prepare the ground, so that someone might later inspire a believer (..) with some kind of idea."

Readership = membership?

The prosecution offered no evidence of involvement in "Nurdzhular" as an organisational structure, such as issuing instructions or following plans. Instead, Public Prosecutor Ageyev repeatedly claimed that studying Nursi's works was in itself evidence of organising "Nurdzhular". Consequently, he told the court, "all evidence presented by the prosecution has only one aim – to prove that the defendants distributed the works of Said Nursi".

Tokarev of the Counter-extremism Police was similarly unable to describe the doctrine of "Nurdzhular" to the court other than as based upon the study of Nursi literature. Asked why the Supreme Court had banned "Nurdzhular", he replied: "I don't have the right to dispute a court decision (..) If that was the decision, then the court must have been presented with evidence".

Officials now routinely equate readership of Nursi with membership of "Nurdzhular". Yet Forum 18 has found no connection between the few concrete reasons offered by Russian courts for banning Nursi literature – such as Nursi's reference to non-Muslims as "empty-talkers" - and the broader state allegations regarding "Nurdzhular" (see F18News 5 March 2013 http://www.forum18.org/Archive.php?article_id=1811).

Seen by Forum 18, the June 2012 "expert analysis" for the Novosibirsk trial even failed to find signs of "extremism" in the eight Nursi titles Merazhov and Odilov are alleged to have distributed. This is while the same titles – in three cases, identical editions – have previously been ruled "extremist" and added to the Federal List of Extremist Materials (see F18News 28 February 2013 http://www.forum18.org/Archive.php?article_id=1808).

Once the Justice Ministry adds an item to the List, it is banned throughout Russia. As of 17 June, the List ran to 1,920 titles, including Nursi and other Muslim, Jehovah's Witness and Falun Gong publications.

Mass Jehovah's Witness trial begins

In the Black Sea coastal town of Taganrog, the criminal trial of 16 Jehovah's Witnesses accused of involvement in a banned "extremist" organisation began on 13 May, one of their defence lawyers Viktor Zhenkov confirmed to Forum 18 on 13 June. They are all facing accusations under Criminal Code Article 282.2 ("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").

However, the first hearing and subsequent hearings on 20 and 30 May did not examine the essence of the case, Zhenkov added; this is expected to begin with the next hearing on 26 June.

The trial follows Rostov-on-Don Regional Court's ban on Taganrog's Jehovah's Witness organisation as "extremist" in September 2009 (see F18News 2 January 2013 http://www.forum18.org/archive.php?article_id=1786).

Stalinist echo

Jehovah's Witnesses have pointed out that the current "extremism" campaign against them is reminiscent of Soviet-era treatment of Jehovah's Witnesses (see F18News 26 February 2010 http://www.forum18.org/archive.php?article_id=1415).

Merazhov too believes the Novosibirsk case is a worrying echo of a similar one under Stalin. Writing on Voice of Islam Russian website on 7 April, he detailed how over 200 Muslims were executed in 1937-9 for membership of "Gaskeri Ueshma", an alleged counter-revolutionary Islamic organisation aiming to "create a pan-Turkic Islamic state in Siberia under the patronage of Japan and Turkey". In 1959, however, it was admitted that no evidence for such an organisation existed, and all 200 Muslims were posthumously rehabilitated.

"History teaches us that the repressive machine kicks in either for ideological reasons or when there is a need to shift people's attention from those responsible for social policy onto an image of enemies of the people," wrote Merazhov. "And social problems abound in Russia – state corruption, drug addiction, a low standard of living (..) If we don't learn the lessons from our history, then we will repeat our mistakes." (END)

For more background, see Forum 18's surveys of the general state of religious freedom in Russia at http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

An analysis of the way that the Russian authorities have used the Pussy Riot case to intensify restrictions on freedom of religion or belief is at F18News 15 October 2012 http://www.forum18.org/Archive.php?article_id=1754.

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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