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RUSSIA: Further arrest for Muslim study groups

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

The mid-April arrest in Dagestan of Ilgar Aliyev brings to twelve the number of Muslims known to be on trial or under criminal investigation for meeting to study Turkish theologian Said Nursi's writings. The "extremism"-related criminal trial of two Jehovah's Witnesses continues.

Another Muslim has been arrested on suspicion of "organising the activities of a banned extremist organisation" for leading study groups on the works of late Turkish theologian Said Nursi. The arrest of Ilgar Aliyev in Dagestan in the Russian North Caucasus in mid-April brings to 12 the number of people known to be currently on trial or under investigation accused of being members of "Nurdzhular", a banned "extremist" organisation allegedly based on Nursi's teachings, but which Muslims in Russia deny even exists.

All 12 have been charged under Criminal Code Article 282.2, Part 1 ("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"), or the related Part 2 charge of "participation in" such an organisation.

The trials of six men are underway in Krasnoyarsk, Blagoveshchensk in the Far East, and the Dagestani capital Makhachkala. Another four men are still awaiting trial in Novosibirsk. The whereabouts of another man, also charged in Blagoveshchensk, remains unknown.

The FSB security service, which has been responsible for the investigations, has consistently refused to answer Forum 18's questions as to why these Muslims are considered dangerous and why several have been held in pre-trial detention.

Also on trial on "extremism"-related criminal charges are two Jehovah's Witnesses in Sergiyev Posad north of Moscow (see below).

First to face higher penalties?

Aliyev, the most recent Muslim detainee, may become the first person to be tried under new higher punishments for "extremism"-related offences. If convicted, he could receive up to ten years in prison.

Higher penalties were introduced as part of the so-called Yarovaya package of anti-terrorism legislation in July 2016 (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=2215).

The other eleven Muslims accused in the ongoing prosecutions have been charged under the old provisions. 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 up to six years. If convicted under Part 2, courts could hand down fines of up to 300,000 Roubles, compulsory labour of up to three years, or prison sentences of up to four years.

Financial penalties even if not convicted

Officials have placed both Jehovah's Witness defendants and all of the Muslims currently being prosecuted (except Aliyev) on the list of "terrorists and extremists" maintained by the Federal Financial Monitoring Service (Rosfinmonitoring). Banks are thereby obliged to freeze their assets. On 30 January 2014, the law was relaxed to allow small transactions not exceeding 10,000 Roubles per month. (For a detailed description of the impact of the Rosfinmonitoring list, see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215.)

Another arrest in Dagestan: Izberbash

The FSB security service arrested Ilgar Vagif-ogly Aliyev in a night-time raid in the city of Izberbash in Dagestan in the night of 19-20 April. He is now in pre-trial detention while the FSB investigation proceeds. Aliyev is accused of holding "classes involving a

group of adherents of [Nurdzhular]", in Izberbash, Makhachkala, and Khasavyurt, an FSB source commented to local news outlet RIA Dagestan on 21 April, "within the framework of which extremist literature was disseminated and studied".

Edited footage of the raid, published by RIA Dagestan, shows armed and masked personnel in camouflage gear entering a residential compound. Several civilians are then shown lying face down on the floor while officers search the property and gather mobile devices and books. Video close-ups show that the books include a Russian-Turkish dictionary, various Nursi texts in Turkish, and Russian translations of "A Guide for Youth" and "Faith and Man" from the Risale-i Nur collection. Both of the latter appear on the Justice Ministry's Federal List of Extremist Materials.

Since Aliyev's alleged offence appears to have taken place since 20 July 2016, when the Yarovaya package's amendments to the Criminal Code came into force, it is likely that he will be charged under the latest version of 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"). This sets out the following penalties: a fine of 400,000 to 800,000 Roubles or 2 to 4 years' income; or 6 to 10 years' imprisonment with a ban on working in particular occupations of up to 10 years and restrictions on freedom for 1 to 2 years.

Aliyev has been ordered to be detained for two months, Imam Ilhom Merazhov, who has been following the case, told Forum 18 on 2 May. Since Izberbash, where Aliyev lives and where he was arrested, does not have pre-trial detention facilities, he has been sent to Makhachkala. His prison address is:

367012 Respublika Dagestan

Makhachkala

ulitsa Levina 45

Sledstvenny Izolyator No. 1

Russia

Forum 18 reached the investigation prison by telephone on 12 May to ask whether Aliyev was permitted to pray and have access to religious literature while in detention. A spokeswoman directed Forum 18 to another number, but when Forum 18 called this and mentioned Aliyev's name, the phone was immediately put down.

Aliyev's lawyer, Magomedrasul Zapirov, told Forum 18 on 12 May that the prison authorities impose no prohibition on praying. He added that Aliyev has access to the Koran (in particular editions) and other religious literature (although this is censored).

Aliyev is the fourth Muslim in Dagestan known to have been charged with involvement in "Nurdzhular" since the beginning of 2016. The others are already on trial (see below).

According to their case file, Aliyev was among those who visited the house in Makhachkala where they allegedly held meetings to discuss Nursi's works. He does not, however, appear to be formally involved in their case. As of 12 April, his name has not been added to the published Rosfinmonitoring list of terrorists and extremists.

Forum 18 wrote to the Dagestan FSB early in the Makhachkala working day of 10 May, asking why Aliyev was considered dangerous and when and where his case is likely to come to court. Forum 18 had received no reply as of the middle of the Makhachkala working day of 12 May.

Lawyer Zapirov told Forum 18 that it is too early to say where Aliyev will be tried - Izberbash or Makhachkala. He added that his client, who was born in Azerbaijan but has Russian citizenship, "loves Russia": "He does not dispute that he read some books, but he denies that he worked against Russia".

Makhachkala Nursi trial

Three other Muslims from Dagestan who read Nursi's works are already on trial in the capital Makhachkala. Ziyavdin Badirsoltanovich Dapayev (born 12 May 1982) and brothers Sukhrab Abdulgamidovich Kaltuyev (born 13 November 1981) and Artur Abdulgamidovich Kaltuyev (born 15 June 1986) are all facing charges under Criminal Code Article 282.2, Part 1, for allegedly organising a "Nurdzhular cell".

They have had five full hearings so far before Judge Magomed Nasrutdinov at Makhachkala's Lenin District Court, with the latest on 12 May, their lawyer Murtazali Barkayev told Forum 18. It is unlikely that there will be a verdict soon, Barkayev added.

Dapayev has been detained in Makhachkala's Investigation Prison No. 1 since March 2016, when 14 Muslims were arrested in a

series of raids across Dagestan. Most of them were later released (see F18News 11 April 2016 http://www.forum18.org/archive.php?article_id=2166). FSB officers seized hundreds of books, as well as phones and computers, from suspects' homes. The Kaltuyev brothers remain under travel restrictions. All three men appear on the Rosfinmonitoring list of "terrorists and extremists".

The FSB submitted their case file to the Dagestan Prosecutor's Office on 4 March. The case materials, seen by Forum 18, include numerous witness statements, expert analysis of audio surveillance of the men's meetings, and inventories of confiscated materials from defendants' and witnesses' homes (currently in FSB storage), including texts by Nursi which appear on the Federal List, as well as passports, laptops and mobiles.

Investigators note Dapayev's previous conviction 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") (which came into force on 15 November 2011) and claim that he persisted in his involvement with "Nurdzhular" while his three-year suspended sentence (with two years' probation) was in effect, "not standing on the path to reform, knowing the criminal nature and public danger of his actions". Dapayev's "particularly active role in the commission of crime" is cited as an aggravating factor in his case.

Dapayev and the Kaltuyev brothers are accused of organising "Nurdzhular" activities in Makhachkala, Khasavyurt, and Astrakhan between November 2011 and March 2016, setting up "house madrassahs" for the study of Nursi's "Risale-i Nur" collection. The aim of their gatherings was "the selection of candidates to join this prohibited association from among Muslim citizens, by means of their ideological cultivation".

Dapayev's own statement describes how he held twice-weekly gatherings in his Makhachkala flat, where he lived with Sukhrab Kaltuyev. At these gatherings they would read and discuss a book by Nursi and drink tea "in a friendly atmosphere" before evening prayers.

All three men began studying Nursi's writings several years before any of them were banned. They have all refused to recognise their guilt in engaging in "extremist" activity, according to the case file, but do not deny regularly reading and discussing Nursi's works.

This is the second time Dapayev has been charged with "extremist activity" for studying Nursi's works. In May 2011, he received a three-year suspended sentence, which was upheld on appeal, and the court decided that books belonging to him should be destroyed (see F18News 21 June 2011 http://www.forum18.org/archive.php?article_id=1582).

After Dapayev challenged the destruction ruling, some books were returned, but up to 70 copies of Nursi's writings in translation were again ordered to be destroyed (see F18News 21 March 2012 http://www.forum18.org/archive.php?article_id=1682).

Krasnoyarsk trials begin

The trials of two Muslim men accused of involvement in "Nurdzhular" have begun in Krasnoyarsk. Andrei Nikolayevich Dedkov's first hearing at the city's Soviet District Court has been delayed twice (on 18 April and 10 May), and he will next appear on 23 June, according to the court website. Andrei Gennadyevich Rekst appeared for the first time at the city's Sverdlovsk District Court on 4 May, but this, too, has been delayed until 31 May.

This is the third time Dedkov (born 16 June 1979) has been prosecuted under Criminal Code Article 282.2, Part 1, for organising gatherings of Muslims to study the writings of Said Nursi. During the investigation period of the current case, he was held in pre-trial detention for almost a year (until 3 March 2017), before being placed under travel restrictions ahead of his trial.

Rekst (born 14 March 1994) was charged at the same time as Dedkov under Criminal Code Article 282.2, Part 2, for participating in the gatherings. He is currently free on bail.

Prosecutors are also seeking to have religious literature seized from Rekst's home declared "extremist". At the first hearing at Sverdlovsk District Court on 25 April, Sergei Mikhailov, representative of the publisher Sözlər, argued that the prosecutors' suit is based on flawed expert analysis, in which an independent specialist had found "a multitude of errors". This dispute between publisher and prosecutor can only be resolved with the carrying out of fresh expert analysis, Mikhailov told Forum 18 on 29 April. Judge Natalya Bogdevich will decide on the matter on 26 May.

FSB security service officials confiscated the books in question during a search of Rekst's flat in March 2016. FSB-appointed "experts", who also examined surveillance recordings of several Muslims' conversations in Krasnoyarsk over much of 2015, determined that Rekst possessed "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" (see F18News 1 February 2017 http://www.forum18.org/archive.php?article_id=2251).

Both Rekst and Dedkov appear on the Rosfinmonitoring list of "terrorists and extremists".

Blagoveshchensk trial continues

The trial of Muslim Yevgeny Lvovich Kim (born 5 October 1974) continues at Blagoveshchensk City Court before Judge Aleksei Salnikov. He has undergone fourteen hearings so far, the latest on 3 and 11 May.

The judge has begun reviewing video footage from hidden cameras which the FSB security service placed in Kim's home, a fellow Muslim who reads Nursi's works told Forum 18 on 29 April. The next hearings are due on 18 and 19 May, when the FSB-appointed "experts" who provided analysis of religious literature seized from Kim's flat will testify by video link.

These "experts" are: Vyacheslav Kudashov, head of the philosophy department, Siberian Federal University; Tatyana Izluchenko, senior philosophy lecturer specialising in religious studies, Siberian Federal University; Irina Malanchuk, psychology lecturer, Krasnoyarsk State Pedagogical University; and Alla Kipchatova, linguistics lecturer, Krasnoyarsk State Pedagogical University.

Kudashov and Izluchenko were also employed to examine seized religious literature, social media accounts, and the contents of covert surveillance recordings in the case against Andrei Rekst and Andrei Dedkov in Krasnoyarsk (see F18News 1 February 2017 http://www.forum18.org/archive.php?article_id=2251).

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).

According to the formal charges, seen by Forum 18, Kim "systematically organised the carrying out of religious gatherings, united by one theme – the study of the works of Said Nursi, which are the foundation of the ideology of the international religious organisation Nurdzhular, which threatens inter-ethnic and inter-confessional stability in society and the territorial integrity of the state". The FSB's case file nevertheless notes that Kim refused to admit any guilt throughout the investigation, does not recognise the existence of "Nurdzhular", and does not consider himself a member.

Kim has also been charged under Criminal Code Article 282, Part 1 ("actions aimed at the incitement of hatred or enmity, as well as humiliation of a person or group", based on gender, race, nationality, language, origin, attitude to religion, or social group). This additional charge is unusual for a Nursi-related case; Forum 18 knows of only two other individuals who read Nursi's writings who have been taken to court for this alleged offence since the works began to be banned in 2007 (see F18News 14 October 2011 http://www.forum18.org/archive.php?article_id=1625).

Kim and several friends were detained and interrogated after an armed FSB unit raided Kim's flat on 26 December 2015, during a gathering to celebrate the birthday of the Muslim Prophet Mohammed (see F18News 21 January 2016 http://www.forum18.org/archive.php?article_id=2141). All but Kim were later released.

Kim's friend Anton Pavlovich Starodubtsev (born 4 April 1980) has also been charged 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"), but his whereabouts remain unknown. After their initial detention, Starodubtsev complained of the treatment they received during both arrest and questioning, including threats and attempted blackmail, and has categorically denied any involvement in "extremist" activity (see F18News 11 April 2016 http://www.forum18.org/archive.php?article_id=2166).

Both Kim and Starodubtsev have been added to the Rosfinmonitoring list of "terrorists and extremists".

Novosibirsk investigation still ongoing

The FSB investigation of Komil Olimovich Odilov (born 18 August 1975) and three other Muslims in Novosibirsk, due to end on 2 May, was extended for a further month, Odilov's lawyer Yuliya Zhemchugova told Forum 18 from Novosibirsk on 12 May. She added that she and her client had not yet been sent the case materials. The case is likely to be heard at the city's October District Court.

The four men have now been under investigation for seventeen months, Forum 18 notes. During this time, Odilov was held in pre-trial detention for nine months, before he was released and placed under travel restrictions in early September 2016. Two of his fellow defendants – Uralbek Karaguzinov (born 21 July 1954) and Mirsultan Takhir-ogly Nasirov (born 8 October 1997) – are also under travel restrictions. The whereabouts of the third, Timur Muzafarovich Atadzhanov (born 21 April 1988), remain unknown. He has been added to the federal wanted list.

Prosecutors have charged Odilov under Criminal Code Article 282.2, Part 1 for the alleged "organisation" of a "Nurdzhular" cell. Karaguzinov, Nasirov, and Atadzhanov have been charged under Criminal Code Article 282.2, Part 2, for alleged "participation" in a

"Nurdzhular" cell.

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 and confiscated copies of Nursi's books from Odilov's flat, along with his computer and phone.

All four men appear on the Rosfinmonitoring list of "terrorists and extremists".

Jehovah's Witness trial delayed again

The "extremism" trial in Sergiyev Posad near Moscow of Jehovah's Witnesses Vyacheslav Yuryevich Stepanov (born 20 March 1977) and Andrei Petrovich Sivak (born 28 March 1974) was delayed on 4 May for the tenth time since Judge Lidiya Baranova ordered further expert analysis to be carried out in November 2016. The next hearing is due on 15 May, according to the website of Sergiyev Posad City Court.

Sivak and Stepanov have been charged under Criminal Code Article 282, Part 2 ("Actions directed at the incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of an individual or group of persons on the basis of sex, race, nationality, language, origin, attitude to religion, or social group"), with inciting religious hatred (see F18News 26 January 2017 http://forum18.org/archive.php?article_id=2250).

Russia's Supreme Court's ruled on 20 April that the Jehovah's Witnesses' Administrative Centre, their main body in Russia, should be liquidated as an "extremist" organisation (see F18News 20 April 2017 http://www.forum18.org/archive.php?article_id=2274).

It is unclear how the Supreme Court's liquidation ruling may affect proceedings in Sergiyev Posad, although since the case against Sivak and Stepanov is based on alleged offences committed several years before the liquidation suit was lodged, it should have no bearing.

The two men were originally acquitted in March 2016, when Judge Yelena Aminova concluded that the religious gatherings they had organised had "an educational, discursive character" and that "views inherent in the religion are evaluated as true and correct, which is an integral important feature of religious discourse". In May 2016, however, Moscow Regional Court overturned Judge Aminova's ruling at the request of prosecutors, and sent the case back for re-examination.

Criminal Code Article 282, Part 2 ("Actions directed at the incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of an individual or group of persons on the basis of sex, race, nationality, language, origin, attitude to religion, or social group") b) by a person using their official position; c) by an organised group (of which Stepanov and Sivak are accused).

If found guilty, Stepanov and Sivak face a fine of up to 600,000 Roubles, up to 5 years' compulsory labour, or up to 6 years' imprisonment. They have already been added to 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.

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