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RUSSIA: Renewed criminal trials of Muslim Nursi readers

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

Three Muslims who met with others to study the works of theologian Said Nursi are on criminal trial on "extremism" charges in Izberbash, Dagestan. Judges closed similar cases with the "active repentance" of the defendants, the court claims. "People have been persuaded or forced to sign confessions by intimidation and deception," says a fellow Muslim. Other criminal cases continue in Dagestan and Tatarstan. Criminal cases against almost 200 Jehovah's Witnesses are in court. On 1 June, a Vladivostok court handed six Jehovah's Witnesses suspended sentences.

The criminal trial has begun in Izberbash in Dagestan of three Muslims who met with others to study their faith using the works of the late Turkish theologian Said Nursi. Five more appear to remain under investigation by the Republic's Investigative Committee. Six Nursi readers – three of whom are believed to be in pre-trial detention – are under investigation in Tatarstan. All face charges of "extremism" for exercising freedom of religion or belief.

"In 2016-2017, the [three] defendants joined and took part in the activities of the international religious association 'Nurdzhular', the activities of which the Supreme Court of the Russian Federation decided to ban on 10 April 2008 in connection with the implementation of extremist activities," Dagestan's Investigative Committee said of the three men on trial in Izberbash (see below).

Judges closed other criminal cases against Nursi readers in Izberbash "in connection with the active repentance" of the defendants, the court noted. "People have been persuaded or forced to sign confessions by intimidation and deception," a fellow Muslim who is following the cases told Forum 18 (see below).

Almost 200 Jehovah's Witnesses are already on criminal trial or are awaiting the start of their trials on "extremism"-related charges. On 1 June, a court in Vladivostok handed down suspended sentences to six Jehovah's Witnesses, including Nina Purge, whose 82nd birthday is on 19 June. The case against a seventh – an 87-year-old woman – has been suspended because of her state of health (see below).

Meanwhile, 71-year-old Valentina Baranovskaya – the oldest Jehovah's Witness and in February 2021 the first woman to receive a jail sentence – left prison on 4 May after the Supreme Court of Khakasiya Republic upheld her request for parole from her two year jail sentence (see below).

Danish citizen Dennis Christensen – the first Jehovah's Witness to be imprisoned under Criminal Code Article 282.2 – was released from labour camp on 24 May, having served his sentence imposed in 2019 in full. As a result of his conviction, Christensen – who has never held Russian citizenship – lost his right of residence in Russia, and was ordered deported upon his release. He arrived in Denmark on 25 May, together with his Russian wife Irina (see below).

In October 2021, the Supreme Court issued amendments to its decree governing the application of the Extremism Law. These clarifications have so far had a noticeable but limited impact on judicial practice (see below).

Banned as "extremist"

Muslims who meet to study the writings of the late Turkish theologian Said Nursi may also be prosecuted under the Extremism Law for organising or participating in the activities of "Nurdzhular". The Supreme Court banned this association as "extremist" in 2008 (https://www.forum18.org/archive.php?article_id=2215), but Muslims in Russia deny any such formal organisation ever existed. 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, and do not seek state permission to meet.

On 20 April 2017, Russia's Supreme Court granted the Justice Ministry's request that the Jehovah's Witness Administrative Centre should be declared an "extremist organisation", and that it and its 395 subsidiary structures – local religious communities across the country – should be liquidated and their activities prohibited. Appeal judges upheld the decision on 17 July 2017 (https://www.forum18.org/archive.php?article_id=2297). Meeting for prayer, hymn singing, and Bible study is enough for Jehovah's Witnesses to be prosecuted.

Jehovah's Witnesses, as well as Muslims who have met to study Nursi's books, have been prosecuted under Criminal Code Article 282.2 (https://www.forum18.org/archive.php?article_id=2215) for either "organising" (Part 1), or "participating in" (Part 2), "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 normally happens after Muslims or Jehovah's Witnesses have been kept under FSB security service or police surveillance for some months.

The manifestations of freedom of religion and belief for which Jehovah's Witnesses and Muslims are prosecuted under both these parts of Criminal Code Article 282.2 are similar. They include meeting in each other's homes to pray and sing together, study sacred texts, and to discuss shared beliefs.

There is a wide range of compulsory and discretionary punishments – including post-imprisonment punishments (https://www.forum18.org/archive.php?article_id=2681) - for convictions under Criminal Code Article 282.2. Some Jehovah's Witnesses and Muslims have also faced charges under Criminal Code Article 282.3, Part 1 ("Financing extremist activity"), as well as under Criminal Code Article 282.2, Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation"), for which there is a similarly wide range of compulsory and discretionary punishments (https://www.forum18.org/archive.php?article_id=2681).

These punishments vary depending on the articles (https://www.forum18.org/archive.php?article_id=2681) under which a conviction takes place, and whether a sentence is a prison sentence, suspended prison sentence, fine, or assigned labour sentence (https://www.forum18.org/archive.php?article_id=2681). Such punishments include bans on holding certain positions and/or carrying out certain activities, restrictions on freedom, and administrative supervision (https://www.forum18.org/archive.php?article_id=2681).

The state of "sudimost" (having an active criminal record, the state of being a convicted person) also brings with it formal penalties and informal obstacles to life (https://www.forum18.org/archive.php?article_id=2681), as does being on the Rosfinmonitoring "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2687) which among other consequences blocks their access to any bank accounts they might have. Almost everyone investigated or convicted on extremism-related charges is placed on the Rosfinmonitoring List.

People convicted on extremism-related charges are also barred from a wide range of occupations and activities (https://www.forum18.org/archive.php?article_id=2681). These include standing for election (this ban also covers people employed by or otherwise involved in "extremist" organisations, even if never prosecuted), and working in the aviation industry.

Jehovah's Witness trials continue

More than 200 Jehovah's Witnesses have so far been convicted (https://www.forum18.org/archive.php?article_id=2746) as a direct result of the 2017 Supreme Court ban. The cases against almost another 200 have already reached court, with many of them already on trial. Many of those prosecuted are elderly and/or in poor health.

On 1 June, Vladivostok's Lenin District Court handed down two-year suspended sentences (with nine months' restrictions on freedom) in the case against Nadezhda Anatolyevna Anoykina (born 11 January 1958), Lyubov Aleksandrovna Galaktionova (born 14 July 1942), Nailya Sunatovna Kogay (born 5 October 1951), Nina Ivanovna Purge (born 19 June 1940), and Raisa Mikhailovna Usanova (born 28 September 1947).

The five women were charged under Criminal Code Article 282.2, Part 2 (https://www.forum18.org/archive.php?article_id=2571) alongside Yelena Viktorovna Zayshchuk (born 25 August 1934), whose prosecution has been suspended because of her state of health. Fellow defendant Valentin Pavlovich Osadchuk (born 15 March 1976) was charged under Criminal Code Article 282.2, Part 1. He too received a suspended sentence (of six years, with one year's restrictions on freedom).

All seven remain on the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2687), to which they were added in July 2019. This blocks their access to any bank accounts they might have. Zayshchuk is the oldest "extremist" on the Rosfinmonitoring List.

Dagestan: Three Muslims on trial for meeting to study Nursi

In the town of Izberbash in the North Caucasus Republic of Dagestan, three Muslims who read Said Nursi's works are on trial at Izberbash City Court for "continuing the activities" of "Nurdzhular".

Investigators appear to have opened cases under Criminal Code Article 282.2, Part 2 against these three people in late March, and lodged them at the city court on 20 or 23 May, according to the court website.

"In 2016-2017, the [three] defendants joined and took part in the activities of the international religious association 'Nurdzhular', the

activities of which the Supreme Court of the Russian Federation decided to ban on 10 April 2008 in connection with the implementation of extremist activities," Dagestan's Investigative Committee said on its website on 17 May.

"In order to continue the illegal activities of this religious association, the suspects took part in meetings to study the ideological sources of the organisation," the Investigative Committee added.

Five more Muslims who read Nursi's works appear to remain under investigation by the Republic's Investigative Committee.

Investigators initiated another case in late April, also under Criminal Code Article 282.2, Part 2, against a 35-year-old man suspected of "Nurdzhular" activities in 2016-17. The investigation is ongoing, the Investigative Committee noted on its website on 21 April.

On 31 May, the Investigative Committee announced the opening of another case, also under Criminal Code Article 282.2, Part 2, this time against four people who "joined and took part in the activities of the international religious association 'Nurdzhular'" between 2008 and April 2017.

It is unclear how many other people may be facing prosecution for alleged "Nurdzhular" involvement in Dagestan.

"People have been persuaded or forced to sign confessions"

Between 7 September and 3 November 2021, Izberbash City Court is known to have closed seven criminal cases against people who met to study Nursi's works (https://www.forum18.org/archive.php?article_id=2698) in Izberbash. A further three cases appear to have been closed in March and May 2022. According to the court website, judges closed these cases "in connection with the active repentance" of the defendants.

"People have been persuaded or forced to sign confessions by intimidation and deception," a fellow Muslim who is following the cases told Forum 18 on 31 May 2022. "This has happened in large numbers."

A note appended to Article 282.2 of the Criminal Code states: "A person who has committed a crime under this article for the first time and has voluntarily stopped participating in the activities of a public or religious association or other organisation [banned as extremist], shall be exempted from criminal liability if their actions do not constitute a different offence."

Tatarstan: Naberezhnyye Chelny Muslims under investigation for meeting to study Nursi

In Naberezhnyye Chelny, three men – Khunar Agayev (born 1982), Aydar Sageyev (born 1993), and Amrakh Akhmedov (born 1999) – are under investigation on suspicion of "continuing the activities" of "Nurdzhular", two under Criminal Code Article 282.2, Part 1 and one under Article 282.2, Part 2, a fellow Muslim who has been following the case told Forum 18 from outside Russia on 23 May. It is unclear whether they remain suspects or have been charged.

"Two suspects, adherents of the international religious association 'Nurdzhular', recognised as extremist, the activities of which are prohibited by the decision of the Supreme Court of the Russian Federation, in 2020-2021 organised a cell of this association in the city of Naberezhnyye Chelny, attracted new members to it, and stored relevant literature," the Tatarstan Investigative Committee said in a statement on its website on 25 November 2021. "The third suspect was actively involved in the activities of the cell." The statement notes that one of the three is in detention.

None has yet been added to the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2687).

Forum 18 wrote to the Tatarstan Investigative Committee to ask whether Agayev, Sageyev, and Akhmedov all remain in detention, why they are considered dangerous, and who had been harmed by their actions. Andrey Sheptitsky, spokesperson for the Investigative Committee, responded on 1 June, declining to answer any questions and referring all enquiries to the federal-level Investigative Committee in Moscow.

Other Nursi readers have been convicted in Tatarstan. Most recently, Nakiya Sharifullina was given a two-year suspended sentence with 18 months' probation in August 2021. Her appeal was unsuccessful and she is now preparing to appeal further (https://www.forum18.org/archive.php?article_id=2746) at the 6th Cassational Court in Samara.

Tatarstan: Kazan Muslims under investigation for studying Said Nursi

In Tatarstan's capital, Kazan, the FSB security service has also opened a criminal case against Vladimir Yevgenyevich Katnov (born 1 June 1985), Aliakber Idyaddin Ogly Pashayev (born 5 September 1966), and Rinat Asgatovich Yusupov (born 30 May 1976).

All three were placed in detention for an initial period of two months, according to a press statement on the Vakhitovsky District Court website on 12 November 2021. Katnov has been charged under Criminal Code Article 282.2, Part 1, the others under Part 2.

Katnov was released under travel restrictions in late March, Idel Realii noted on 25 March 2022. Pashayev and Yusupov remain in detention, lawyer Ruslan Nagiyev said on 31 May.

Investigators had all three added to the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2687) on 29 November 2021.

Katnov is a chemistry lecturer at Kazan National Research Technological University, Idel Realii noted on 17 November 2021. After his arrest, investigators also carried out a search at his workplace.

"Colleagues cannot report anything bad about the detainee," the university's press service commented to the Business Online news website on 12 November 2021. "Katnov did not conduct illegal activities on the territory of the university." The university added that it was "ready to provide comprehensive assistance to law enforcement agencies in the investigation of this case".

Released from prison

Valentina Ivanovna Baranovskaya (born 8 April 1951) – the oldest Jehovah's Witness and the first woman to receive a jail sentence (https://www.forum18.org/archive.php?article_id=2662) – left prison on 4 May after the Supreme Court of Khakasiya Republic upheld her request for parole.

Ust-Abakan District Court had ruled on 22 February that Baranovskaya should be granted parole (uslovno-dosrochnoye osvobozhdeniye) on grounds of ill health (as permitted under Article 81 of the Criminal Code), but prosecutors and the administration of Labour Camp No. 28 in Ust-Abakan had appealed against this decision, arguing that Baranovskaya had "not repented", because she had not stopped professing the Jehovah's Witness faith, according to the jw-russia.org news website.

Baranovskaya is subject to restrictions on freedom for six months after her release, Jehovah's Witness lawyers told Forum 18 on 1 June. During this time, she is not permitted to change her place of residence and must register regularly with probation authorities. These requirements will also continue to be in force until her original release date.

Police may also apply to court for administrative supervision (https://www.forum18.org/archive.php?article_id=2681), the lawyers noted, but this has not yet happened.

Baranovskaya was originally due to be released on 10 January 2023, when her two-year sentence came to an end. An earlier attempt to gain parole (https://www.forum18.org/archive.php?article_id=2698) in October 2021 was unsuccessful.

Her son, Roman Lyubomirovich Baranovsky (born 27 June 1974), who was convicted alongside her in February 2021, remains imprisoned (https://www.forum18.org/archive.php?article_id=2662). He is due to be released on 10 January 2027.

Impact of amended Supreme Court guidance

On 28 October 2021, the Plenum of the Supreme Court in Moscow issued amendments to the Court's 2011 Decree (https://www.forum18.org/archive.php?article_id=2698) "On judicial practice in criminal cases concerning extremism offences", which instructs judges on how to apply the Extremism Law. Such decrees are aimed at ensuring uniform application of Russian legislation across all courts.

As yet, these amendments appear to be affecting court practice only gradually, with more convictions than acquittals and more unsuccessful than successful appeals so far. The amendments do appear to have provided grounds for judges to issue a handful of acquittals, send cases for re-examination in lower courts, or return cases to prosecutors. Nevertheless, even those whom courts have found not guilty are facing further challenges from prosecutors who have lodged appeals in higher courts.

"Thanks to [the Supreme Court's amended guidance], we have had three acquittals," Jehovah's Witness lawyers noted to Forum 18 on 26 May. "In general, this is not salvation from persecution, but it is definitely positive."

The three acquittals to which the lawyers refer are as follows:

– Dmitry Viktorovich Barmakin (born 30 May 1974) became the first Jehovah's Witness to be acquitted since the nationwide ban when Pervorechensk District Court in Vladivostok found him not guilty on 22 November 2021 (https://www.forum18.org/archive.php?article_id=2698). On 8 April 2022, however, Primorsky Regional Court overturned this ruling and sent the case for re-examination. The first hearing in Barmakin's re-trial took place on 13 May 2022, with the next due on 24 June 2022.

– Vera Ivanovna Zolotova (born 20 October 1946), Snezhana Yevgenyevna Bazhenova (born 20 December 1977), and Konstantin Aleksandrovich Bazhenov (born 24 July 1977) were the first Jehovah's Witnesses to be acquitted on appeal when Kamchatka Regional Court overturned their convictions on 18 January 2022 (https://www.forum18.org/archive.php?article_id=2714). The

ruling came into force immediately, freeing the defendants from all restrictions associated with their suspended sentences. Prosecutors have nevertheless lodged a cassational appeal at the 9th Cassational Court in Vladivostok, which is due to be heard on 8 June 2022, according to the court website.

– Darya Igoryevna Dulova (born 10 March 2000), Venera Nikolayevna Dulova (born 3 January 1968), and Aleksandr Vitalyevich Pryanikov (born 1 May 1987) were also acquitted on 15 March 2022 on their second appeal attempt at Sverdlovsk Regional Court (https://www.forum18.org/archive.php?article_id=2713). Their acquittal also entered legal force immediately, but prosecutors in their case also lodged a cassational appeal at the 7th Cassational Court in Chelyabinsk. This was accepted on 18 May, but no hearing date has yet been set. The Dulovas and Pryanikov are also subjects of another criminal case alongside two other Jehovah's Witnesses, which is underway at Karpinsk City Court (next hearing due on 12 July).

Courts have also sent a number of cases back, either to lower courts for re-examination or to prosecutors for potential revision and resubmission.

Norilsk City Court (Krasnoyarsk Region) returned the case against Aleksandr Aleksandrovich Polozov (born 5 June 1970) and Stepan Sergeyevich Shelevyov (born 1 September 1982) to prosecutors on 18 April. This took place after more than eight months of hearings and after prosecutors had requested suspended sentences of six years with five years' probation.

In the written ruling, seen by Forum 18, the judge states that "From the indictment, it does not follow that, by their actions, Polozov and Sevelyov organised the activity of a banned extremist organisation – that is, such activity in relation to which this legal entity was liquidated. Given that the Supreme Court has stated in its decisions that professing the Jehovah's Witness religion on the territory of the Russian Federation is not forbidden by law, they have not been deprived of the possibility to worship independently."

The judge cites the Supreme Court's instruction that courts should ascertain a defendant's "specific actions", their motivation, and "the significance [of these actions] for the continuation or resumption of the [banned organisation]'s activities", and notes that the indictment lacks the necessary specific details of the defendants' activities: "The indictment does not show what concrete publicly dangerous actions Polozov and Shevelyov performed or what their significance was for the continuation or resumption of the banned organisation's activities".

Prosecutors are challenging the judge's decision, according to the Norilsk City Court website. It is unknown when this appeal will be heard.

Svetlana Yakovlevna Monis (born 15 July 1977) is currently undergoing a re-trial. She initially received a 10,000 Rouble fine under Criminal Code Article 282.2, Part 2 at Birobidzhan District Court on 15 February 2021. Prosecutors successfully challenged this and the Court of the Jewish Autonomous Region imposed a suspended sentence of two years and six months (with 2 years' probation and 1 year's restrictions on freedom) on 12 May 2021. Monis then appealed to the 9th Cassational Court, which overturned the earlier ruling on 9 December 2021 on the grounds of the Supreme Court's amended guidance and ordered the case to be re-examined at the appeal level – on this occasion, on 9 March 2022, the regional court sent the case back for re-examination in the first-instance court. Monis' next hearing at Birobidzhan District Court is due on 3 June 2022.

The re-trial of Aleksey Nikolayevich Khabarov (born 15 February 1975) at Porkhov District Court (Pskov Region) began on 24 January 2022. He initially received a three-year suspended sentence with two years' probation and six months' restrictions on freedom on 7 September 2021, but Pskov Regional Court overturned this ruling on 26 November 2021. There were "many different reasons for this, both positive and negative", Jehovah's Witness lawyers told Forum 18 on 1 June, "but in general, the court applied the new decision of the Supreme Court Plenum". Khabarov's next hearing is due to be held on 20 June 2022.

Other Jehovah's Witnesses whose cases have been sent back by cassational courts for re-examination have nevertheless been unsuccessful in getting their convictions overturned.

Yury Prokopyevich Savelyev (born 1 January 1954) was sentenced to six years' imprisonment in December 2020. He appeared at Novosibirsk Regional Court for a second appeal on 7 February 2022, where his conviction and sentence were left unchanged.

Konstantin Viktorovich Guzev (born 16 June 1964) received a suspended sentence of two years and six months with two years' probation in February 2021. He underwent a second appeal on 15 March 2022, at which the Court of the Jewish Autonomous Region upheld the original ruling.

Released from prison, deported

Danish citizen Dennis Ole Christensen (born 18 December 1972) – the first Jehovah's Witness to be imprisoned under Criminal Code Article 282.2 – was released from Labour Camp No. 3 in the Kursk Region city of Lgov on 24 May, having served his sentence in full. Federal Migration Service officials immediately took him to Domodedovo Airport in Moscow, from which he and his Russian wife Irina flew to Copenhagen via Istanbul. They arrived in Copenhagen on 25 May.

As a result of his conviction, Christensen – who has never held Russian citizenship – lost his right of residence in Russia, and was ordered deported upon his release. He had wanted to return to Denmark, Jehovah's Witnesses told Forum 18 on 25 May.

Christensen received a six-year prison sentence (https://www.forum18.org/archive.php?article_id=2450) on 6 February 2019 when Railway District Court in Oryol found him guilty under Criminal Code Article 282.2, Part 1. Prosecutors had charged him with "continuing the activities" of Oryol's local Jehovah's Witness religious organisation, which a local court had ordered liquidated and banned as "extremist" in 2016 (https://www.forum18.org/archive.php?article_id=2228), before the Supreme Court's blanket liquidation of Jehovah's Witness legal entities and nationwide ban on their activities in 2017. He appealed unsuccessfully on 23 May 2019 (https://www.forum18.org/archive.php?article_id=2479).

Police and FSB security service officers arrested Christensen at a worship meeting on 25 May 2017, and he spent the entirety of the investigation, trial, and appeal process in detention. His release from prison three years after his sentence entered legal force took his time in detention into account.

Christensen made four ultimately unsuccessful attempts (https://www.forum18.org/archive.php?article_id=2638) to gain early release (not parole, but the replacement of unserved prison time with a lighter punishment).

Kursk Region Prosecutor's Office told Forum 18 in February 2021 (https://www.forum18.org/archive.php?article_id=2638) that Christensen had "repeatedly violated the established [prison] routine" and had been punished for this. Prison authorities had presented "fabricated evidence" of Christensen breaking prison rules – for example, by communicating with people in other cells, which he denied. This led to his being labelled a "malicious violator of prison protocol", Jehovah's Witness spokesperson Yaroslav Sivulsky explained to Forum 18 in January 2021 (https://www.forum18.org/archive.php?article_id=2638).

Two other Jehovah's Witnesses have been deported after their release from prison:

- Feliks Khasanovich Makhammadiyev (born 14 December 1984) to Uzbekistan (https://www.forum18.org/archive.php?article_id=2633);

- and Konstantin Viktorovich Bazhenov (born 10 May 1975) to Ukraine (https://www.forum18.org/archive.php?article_id=2702).

Unlike Christensen, both men had Russian citizenship, but were stripped of it as a direct result of their convictions.

(Konstantin Viktorovich Bazhenov, from Saratov, should not be confused with fellow Jehovah's Witness Konstantin Aleksandrovich Bazhenov, from Kamchatka.) (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 survey of the general state of freedom of religion and belief in Russia (https://www.forum18.org/archive.php?article_id=2246), as well as Forum 18's survey of the dramatic decline in this freedom related to Russia's Extremism Law (https://www.forum18.org/archive.php?article_id=2215)

A personal commentary by the Director of the SOVA Center for Information and Analysis (<https://www.sova-center.ru>), Alexander Verkhovsky, about the systemic problems of Russian "anti-extremism" laws (https://www.forum18.org/archive.php?article_id=1468)

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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