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RUSSIA: Six who met to study their faith on trial in Moscow

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

On 1 September [postponed to 22 September], Moscow's Kuzminsky District Court is due to begin the largest criminal trial for eight years of Muslims who met to study the works of the theologian Said Nursi, which have been banned as "extremist". Prosecutors accuse the six men – who face possible long jail terms - of forming a "home madrassah". The men have been in Butyrka prison since October 2021. Moscow City Prosecutor's Office did not respond as to who might have been harmed by the men's exercise of freedom of religion or belief.

The largest trial for nearly eight years of Muslims who met to study the works of the late Turkish Muslim theologian Said Nursi began in the Russian capital with a preliminary hearing on 25 August. The six Moscow residents stand accused of "organising" and "participating in" the activities of "Nurdzhular", which was banned as extremist in 2008 but which Muslims in Russia deny ever existed as a formal organisation. If convicted, the six men could face lengthy prison sentences or six-figure fines.

The full trial is due to begin at Moscow's Kuzminsky District Court at noon on 1 September (see below).

[UPDATE 1 September 2022: The start of the full trial was postponed to 3:30 pm on 22 September.]

The six men have been in detention in Moscow's Butyrka Investigation Prison since their arrests in October 2021 (see below).

The indictment – seen by Forum 18 – accuses four of the defendants of creating an "organised and purposeful gathering of pupils of a 'home madrassah'", in which they "conducted propaganda work among these citizens, their training within the framework of the teachings of Said Nursi – namely, [they] carried out oral public translation of books from [Nursi's collection of sermons] Risale-i Nur .. held collective discussions of these books, [and] joined with students in conversations, explaining to them the provisions of this religious literature" (see below).

Forum 18 wrote to the Moscow City Prosecutor's Office asking in what way the six Muslims are considered dangerous and who had been harmed by their actions, and what punishment prosecutors are seeking. Forum 18 received no reply by the middle of the working day in Moscow of 29 August (see below).

Another three Nursi readers are already on trial in Naberezhnyye Chelny (Republic of Tatarstan), while investigators are preparing a criminal case against a further three in Kazan (https://www.forum18.org/archive.php?article_id=2775).

The last Muslim to be convicted of organising "Nurdzhular" activities – 64-year-old teacher Nakiya Sharifullina, also from Naberezhnyye Chelny – is currently serving 18 months' probation on a two-year suspended sentence (https://www.forum18.org/archive.php?article_id=2684).

Jehovah's Witnesses also continue to be prosecuted for alleged "extremist" activity (https://www.forum18.org/archive.php?article_id=2775). According to figures from the European Association of Jehovah's Witnesses, at least 620 people have gone on trial or remain under investigation on charges of "continuing the activities" of the Jehovah's Witness Administrative Centre and its subsidiary organisations, which were liquidated as "extremist" in 2017 (https://www.forum18.org/archive.php?article_id=2297). Of these, 64 have so far received prison sentences, 130 suspended sentences, and 26 fines, while only eight have been acquitted.

Will Supreme Court guidance have any impact?

The trials of the Nursi readers in Moscow, Naberezhnyye Chelny, and Kazan will be the first in which judges should take into account October 2021 amendments to the Supreme Court's 2011 decree (https://www.forum18.org/archive.php?article_id=2698) in governing the application of the Extremism Law. The decree now directs judges to ascertain a defendant's "specific actions", their motivation, and "the significance [of these actions] for the continuation or resumption of a [banned organisation]'s activities".

The amendments also note that a person's actions "consisting solely of the exercise of their right to freedom of conscience and

freedom of religion [...] do not in themselves constitute a crime under Article 282.2, Part 2, if they do not contain signs of extremism".

These clarifications have so far had a noticeable but limited impact (https://www.forum18.org/archive.php?article_id=2747) on judicial practice in Jehovah's Witnesses cases.

Ban on meeting to study Nursi's works

Muslims who meet to study the writings of the late Turkish theologian Said Nursi may be prosecuted under the Extremism Law for organising or participating in the activities of "Nurdzhular" (derived from the Turkish for "Nursi followers"). 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. No centralised or local religious organisation associated with Nursi's teachings was registered in Russia before the ban.

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.

Many Russian translations of Nursi's books have been banned as "extremist", both before and since the prohibition on "Nurdzhular", despite their not calling for violence or the violation of human rights. They were added to the Justice Ministry's Federal List of Extremist Materials (https://www.forum18.org/archive.php?article_id=2215).

On 28 August 2018, the European Court of Human Rights (ECtHR) in Strasbourg found that Russian bans on Nursi's works violated Article 10 (https://www.forum18.org/archive.php?article_id=2426) ("Freedom of expression") of the European Convention on Human Rights and Fundamental Freedoms (Application Nos. 1413/08 and 28621/11).

All ECtHR judgments require states to take steps to prevent similar violations from happening – for example, by changing laws and state practices. This process is supervised by the Committee of Ministers of the Council of Europe. In March 2022, Russia withdrew from the Council of Europe and the ECtHR in the wake of its invasion of Ukraine, and in June 2022 passed legislation which renders all ECtHR judgments which entered legal force since 15 March unenforceable in Russia (https://www.forum18.org/archive.php?article_id=2765).

Prosecutions, possible punishments

After the 2008 ban, 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 work 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.

October 2021 raids, arrests

Investigative Committee officials, accompanied by police, FSB security service, and National Guard personnel, raided the homes in Moscow of six Muslim men on 5 October 2021:

- Yevgeny Pavlovich Tarasov (born 2 August 1981)
- Mukazhan Gazizovich Ksyupov (born 31 March 1969)
- Parviz Ogtay ogly Zeynalov (born 11 April 1973)
- Urdash Zubayruyevich Abdullayev (born 15 January 1982)
- Ilmir Salikhovich Abdullin (born 21 April 1997)
- Nikolay Mironovich Nesterovich (born 16 December 1992)

Officers seized religious literature, phones, and computers. They arrested the six men, who were transferred after a day or two to the capital's Investigation Prison No. 2, known as Butyrka. They have all spent more than nine months in detention there since their initial arrests.

The men's address in Investigation Prison is:

127055, g. Moskva

ul. Novoslobodskaya 45

FKU Sledstvenniy izolyator No. 2 UFSIN Rossii po g. Moskve "Butyrka"

Five other people were arrested in October 2021 in the same series of raids but were later released without charge. Some of these are appearing as witnesses in the criminal case against the six men.

Attendees read Nursi's Risale-i Nur collection, drank tea, prayed together

From the final 205-page indictment, prepared by the Gagarin Inter-District Investigative Department of the South-Western Administrative District Investigative Committee and seen by Forum 18, it appears that Tarasov, Ksyupov, Zeynalov, and Abdullayev regularly held gatherings in their homes at which attendees read and discussed Nursi's Risale-i Nur (Messages of Light) collection of writings, drank tea, and prayed together.

The indictment claims that they were aware that they were "undermining the foundations of the constitutional order and state security". Abdullin and Nesterovich – who lived at the same address as Tarasov – were frequently present, investigators allege.

All six have pleaded not guilty, and most invoked Article 51 of the Russian Constitution in their refusal to give statements during the investigation (this holds that nobody is obliged to testify against themselves).

In his statement, Abdullin denied taking part in any extremist organisation, reading any extremist literature, or even knowing who Said Nursi is. Ksyupov insisted that he had "no intention of forcibly changing the foundations of the constitutional order of the Russian Federation, publicly justifying terrorism, or inciting social or religious hatred".

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

The indictment notes that there are no victims in the case, and no aggravating or mitigating circumstances were found for any of the defendants (except for Abdullayev, who has underage children).

The Moscow Investigative Committee reported on 5 October 2021 that it had found firearms during the searches. Its press release of 28 July 2022, after final charges had been made and the investigation completed, does not mention any weapons, however, and no weapons feature in the indictment seen by Forum 18. A Muslim who has been following the case from outside Russia told Forum 18 that the firearms in question were legally held and used for hunting by a person who is now a witness in the case.

Covert recordings, CCTV footage

Investigators carried out covert recordings of study meetings held at the men's homes, in which a witness identified the voices of Tarasov, Ksyupov, Zeynalov, and Abdullayev, reading and discussing Nursi's works.

According to Aleksandr Miroshnichenko of the Interior Ministry's Centre for Communications and Data Analysis, the recordings contained "information about the interpretation of a number of provisions of Islam by the Muslim theologian S. Nursi, which is in conflict with the provisions of Islam .. instructions for performing rituals and traditions of Islam in the interpretation of S. Nursi; [and] direct prescriptions and commands for the study of the religious concept set forth in the collection of the author S. Nursi".

The men also allegedly discussed the prosecution of other Muslims elsewhere in Russia for meeting to study Nursi's writings.

According to the indictment, in addition to witness testimony of study meetings and their possession of Nursi's banned books, the six men's "involvement in the commission of a crime" was shown in CCTV footage of them visiting each other's flats, Telegram chats in which they and others discussed Risale-i Nur, their use and recommendation to others of an mobile phone app enabling access to Nursi's writings, and their posting of Nursi quotations on an Instagram account entitled "Territory of Wisdom [Territoriya Mudrosti]".

"Organised and purposeful gathering of pupils of a 'home madrassah'"

After an investigation lasting nearly ten months, Gagarin Inter-District Investigative Department sent its 205-page final indictment to the South-Western Administrative District Prosecutor's Office on 27 July 2022.

The document describes "Nurdzhular" activity in Russia – which it asserts is financed from Turkey – as "encroaching on the rights and freedoms of person and citizen [and] aimed at forming groups of the civilian population with a positive perception of death, combined with a willingness to sacrifice oneself in the interests of the doctrine, which creates favourable conditions for the formation of a resource base for other extremist or terrorist organisations using Islamic rhetoric".

The indictment does not explicitly claim that those linked to Nurdzhular are involved in any violent actions, but states that the association's "main forms of activity are: publishing, translating and distributing the works of the author Said Nursi, [and] creating groups to study his books from the Risale-i Nur collection, which contain information aimed at inciting religious discord (between believers and non-believers)".

Investigators accuse Tarasov, Ksyupov, Zeynalov, and Abdullayev of creating an "organised and purposeful gathering of pupils of a 'home madrassah'", in which they "conducted propaganda work among these citizens, their training within the framework of the teachings of Said Nursi – namely, [they] carried out oral public translation of books from Risale-i Nur .. held collective discussions of these books, [and] joined with students in conversations, explaining to them the provisions of this religious literature".

The aim of this, according to investigators, was the "gradual transformation of the personality and worldview in accordance with the ideology of the teachings of the extremist international religious association 'Nurdzhular', the formation of new life values, beliefs, behavioural stereotypes, [and] changes in the subjective reality of the individual, his system of values and beliefs, [and] relationships in society".

Abdullin and Nesterovich allegedly "participated in the activities of the cells of this association .. during which, together with other participants, acting in strict accordance with the goals and objectives of the religious association, [they] joined in the study and dissemination of the ideology of the international religious association 'Nurdzhular', listened to lectures based on the books of the author Said Nursi, [and] read aloud to other participants [from] Risale-i Nur".

Although the defendants themselves mostly declined to give statements, several witnesses stated that they had visited the homes of the four men charged under Part 1, where they would drink tea, eat together, "talk about everyday and religious topics, read religious books, and perform collective prayer (namaz), after which they read S. Nursi's Risale-i Nur collection".

One witness related how he had seen Abdullin and Nesterovich at a Risale-i Nur study centre in Istanbul. Another explained how he had converted to Islam after meeting Bagir Kazikhanov while on holiday in Turkey. Kazikhanov then put him in touch with Tarasov, who later invited him to his flat in Moscow and shared Nursi's books with him.

Kazikhanov was convicted of Nurdzhular involvement in Ulyanovsk in 2015 (https://www.forum18.org/archive.php?article_id=2046) and jailed for three and a half years.

The indictment notes further connections between the defendants and other Muslims who have been convicted of organising or participating in "Nurdzhular" activities. Abdullayev was a witness in the 2013 criminal case against Komil Odilov and Ilkhom Merazhov (https://www.forum18.org/archive.php?article_id=1848), and allegedly was in contact with Ilgar Aliyev, who is currently serving an eight-year prison sentence imposed in 2018 (https://www.forum18.org/archive.php?article_id=2386). Ksyupov was

allegedly acquainted with Sukhrab and Artur Kaltuyev, who received prison terms of three years each in 2017 (https://www.forum18.org/archive.php?article_id=2339).

Forum 18 wrote to the Moscow City Prosecutor's Office before the start of the working day of 22 August, asking in what way the six men now on trial are considered dangerous and who had been harmed by their actions, and what punishment prosecutors are seeking. Forum 18 received no reply by the middle of the working day in Moscow of 29 August.

Moscow trial begins

On 25 August 2022, Tarasov, Ksyupov, Zeynalov, and Abdullayev – all charged under Criminal Code Article 282.2, Part 1 – appeared alongside Abdullin and Nesterovich – both charged under Part 2 – at Kuzminsky District Court in Moscow, for the preliminary hearing in the criminal case opened against them for meeting to study the writings of Said Nursi.

Judge Yuliya Frolova ordered that the six men should continue to be kept in custody and that the next hearing – the start of the full trial - should take place at noon on 1 September.

With six defendants, this is the largest trial of Muslims who meet to read Nursi's books since six men were convicted and fined in Perm in December 2014 (https://www.forum18.org/archive.php?article_id=2033). (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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