

4 October 2022

RUSSIA: Four-year jail term if Russia gets back exiled Muslim?

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

If Russia succeeds in getting back exiled Imam Ilkhom Merazhov, he could be tried and punished with a maximum four-year jail term. He left Russia in 2015, but in June 2022 the Novosibirsk FSB reopened the criminal case to punish him for meeting with others to study the works of theologian Said Nursi. On 8 September, a Novosibirsk court issued a detention order in absentia. The FSB has sought to have an Interpol Red Notice issued, though it remains unclear whether Interpol has approved any request.

The FSB security service has reopened a criminal case against a Muslim who met with others to study the works of the late Turkish theologian Said Nursi – despite the fact that he has been living outside Russia since 2015. The FSB in Novosibirsk suspended its investigation of Imam Ilkhom Merazhov in January 2018, after it became clear that he had moved abroad, but Novosibirsk Regional Prosecutor's Office overturned this decision in June 2022 and returned the case to investigators.

The FSB security service has since sought to have an Interpol Red Notice issued for Merazhov, though it remains unclear whether Interpol has approved any request (see below).

If returned to Russia, tried and convicted, Merazhov could face a maximum punishment of four years' imprisonment (see below).

Investigators initially named Merazhov as a suspect in a criminal case against several Novosibirsk Muslims accused of operating a "Nurdzhular" cell in the city, a number of whom were arrested at a cafe in December 2015. Only one man – Imam Komil Odilov – eventually appeared in court and received a two-year prison sentence. Prosecutors had three others "released from criminal liability", while a fifth suspect also fled abroad (see below).

The Supreme Court banned Nurdzhular as "extremist" in 2008, 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 (see below).

On 8 September 2022, a court in Novosibirsk issued a detention order for Merazhov in absentia. It is unclear how the case may proceed if investigators cannot bring him back to Russia. If Interpol issues a Red Notice, however, Merazhov risks extradition if an agency of another state chooses to detain him (see below).

Neither the Novosibirsk FSB security service nor Novosibirsk Regional Prosecutor's Office replied to Forum 18's questions asking: why they had reopened the case after so many years, when Merazhov was still outside Russia; in what way Merazhov was considered dangerous; and who had been harmed by his actions (see below).

Forum 18 has been unable to find out if Russia has sent a Red Notice to Interpol in the French city of Lyon in relation to Merazhov and, if so, whether Interpol had agreed to distribute it. The Interior Ministry's press service in Moscow, Interpol, the Novosibirsk FSB and Novosibirsk Regional Prosecutor's Office did not reply to Forum 18's question (see below).

Russia has had Interpol distribute Red Notices for at least three individuals as it seeks their detention and return to Russia to punish them on "extremism"-related charges for exercising freedom of religion or belief. Russia is also believed to have sought a Red Notice for Nina Belyayeva, a Baptist and Communist municipal deputy from Voronezh Region who spoke out against Russia's war against Ukraine from a Christian perspective (see below).

Leaving Russia to avoid potential or actual criminal prosecution

Those who have left Russia to avoid potential or actual criminal prosecution – including for exercising freedom of religion or belief – often face uncertainty over whether they will be detained by third countries. Some may not know that Russian investigators have opened criminal cases against them in their absence.

Third country officials may detain them on discovering that Interpol has issued a Red Notice against them, or that Russia has placed them on the Commonwealth of Independent States inter-state wanted list.

In one case each in 2020 (https://www.forum18.org/archive.php?article_id=2562) and 2021, the authorities in Belarus detained Jehovah's Witnesses wanted on criminal charges in their native Russia. After the individuals had spent weeks in Investigation Prison in Belarus, in both cases the Belarusian General Prosecutor's Office chose not to extradite them.

In mid-September 2022, border authorities in a post-Soviet country detained a Jehovah's Witness who was on Russia's wanted list, Jehovah's Witnesses told Forum 18. The Jehovah's Witness was seeking to cross to another post-Soviet country. He was released soon after and allowed to proceed.

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.

Courts have banned many Russian translations of Nursi's books as "extremist" (https://www.forum18.org/archive.php?article_id=2215), 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.

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 after 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).

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.

Many trials, convictions

Nine Muslims who study Said Nursi's writings are on criminal trial for exercising freedom of religion and belief. On 22 September, Moscow's Kuzminsky District Court began the largest criminal trial for eight years (https://www.forum18.org/archive.php?article_id=2769) of such Muslims. 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.

In the five years since the Supreme Court in 2017 ordered Jehovah's Witness organisations to be liquidated as "extremist" (https://www.forum18.org/archive.php?article_id=2297) and outlawed their activities, investigators have opened criminal cases against more than 600 individuals. Since the 2017 ban, first-instance courts have convicted more than 230 Jehovah's Witness defendants and acquitted only two (of whom one is now undergoing a re-trial after prosecutors appealed). Of those convicted, 73 have received prison terms ranging from one to eight years. Nearly 200 more are on criminal trial facing similar "extremism"-related charges (https://www.forum18.org/archive.php?article_id=2775) for exercising freedom of religion or belief.

Case reopened

Investigators of the Novosibirsk FSB security service first opened a criminal case against Muslim Nursi reader Ilkhom Merazhov on 31 October 2017. On 31 January 2018, they suspended their investigation. They had established that Merazhov had left Russia on 30 August 2015 – before the wider case in which he was implicated had begun – and had not returned since. They therefore deemed his whereabouts unknown.

According to FSB and prosecutor's office documents seen by Forum 18, investigators had had Merazhov placed on local and national Interior Ministry wanted lists, but had not had an Interpol Red Notice issued for him. The Novosibirsk office of the Interior Ministry's National Central Bureau for Interpol advised in November 2017 that an accusation of participation in "Nurdzhular" would result in Interpol refusing to distribute a Red Notice.

(Each Interpol member state has its own National Central Bureau which is responsible for processing requests to distribute Red Notices, among other international liaison activities.)

On 29 June 2022, Novosibirsk Regional Prosecutor's Office overturned the FSB's decision to suspend the investigation, and ruled that the case should be returned to them for further investigation and that they should have Merazhov placed on the international wanted list. Forum 18 has been unable to find out why prosecutors made this decision.

Forum 18 wrote to the Novosibirsk FSB on 27 September and Novosibirsk Regional Prosecutor's Office on 28 September to ask: why they had reopened the case after so many years, when Merazhov was still outside Russia; in what way Merazhov was considered dangerous; and who had been harmed by his actions. Forum 18 had received no reply from either by the end of the working day in Novosibirsk of 4 October.

FSB Lieutenant-Colonel Yevgeny Selyunin, who had been responsible for the initial investigation, took the formal decision to re-open the case against Merazhov on 10 August 2022, with an additional investigation period of one month, according to an FSB document seen by Forum 18.

On 26 August 2022, FSB investigators issued an indictment against Merazhov under the February 2014 version (https://www.forum18.org/archive.php?article_id=2195) of 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").

On 8 September, October District Court in Novosibirsk upheld investigators' and prosecutors' request to issue a detention order in Merazhov's absence. The court decision, seen by Forum 18, notes that Merazhov is to be detained for an initial period of two months from the date of his actual arrest on Russian territory. An unsuccessful appeal against this ruling took place at Novosibirsk Regional Court on 4 October.

A state agency's request for a Red Notice must be accompanied by a court decision ordering an accused person's detention in absentia, according to the Interior Ministry's Decree No. 786 of 6 October 2006, "On the approval of instructions for the information support of cooperation through Interpol". If the judge refuses to uphold the investigator's/prosecutor's application for detention, the agency's resolution to have the person added to the international wanted list will be cancelled.

According to the Criminal Procedural Code (Article 108, Part 5), a court may issue a detention order in the absence of the individual concerned only when investigators or prosecutors are seeking to have the person added to the Interpol international or Commonwealth of Independent States inter-state wanted lists.

Merazhov has remained on both local and national Interior Ministry wanted lists since 13 January 2018, and on the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2687) since the first week of December 2017.

(A wanted person must be added to the federal wanted list before or at the same time as investigators request a Red Notice, according to the Interior Ministry's Decree No. 786 of 6 October 2006, "On the approval of instructions for the information support of cooperation through Interpol".)

In May 2013, a Novosibirsk court handed Merazhov and Komil Odilov one-year suspended sentences (https://www.forum18.org/archive.php?article_id=1848) under Criminal Code Article 282.2, Part 1. They appealed to the European Court of Human Rights (ECtHR) in February 2014 (Application Nos. 6738/14 and 6731/14) and the Russian government responded to the Court's questions (<https://hudoc.echr.coe.int/eng?i=001-177189>) in March 2018.

In June 2022, however, Russia passed retroactive legislation which rendered unenforceable all ECtHR judgements (https://www.forum18.org/archive.php?article_id=2765) which entered force after 15 March, when Russia began its withdrawal from the Council of Europe after its invasion of Ukraine. This means that Odilov and Merazhov will not receive any compensation if the ECtHR ultimately rules in their favour.

Interpol Red Notice?

In its 29 June order overturning the suspension of the original investigation, seen by Forum 18, Novosibirsk Regional Prosecutor's Office stated that the FSB's failure to have Merazhov added to the international wanted list violated Article 208, Part 5 of the Criminal Procedural Code, and that the advice from the National Central Bureau's Novosibirsk office – that Interpol would refuse such a request – "is not sufficient reason for not taking appropriate measures".

(Article 208 Part 5 states that "Until the suspension of the preliminary investigation, the investigator shall perform all investigative actions which are possible in the absence of the suspect or accused, and take measures to search for them or to identify the person who committed the crime".)

Thus, on 4 September 2022, the Novosibirsk FSB issued a resolution to have Merazhov added to the international wanted list. The document, seen by Forum 18, notes that a copy of the resolution and the "necessary materials" should be sent to the Interior Ministry's National Central Bureau for Interpol.

(This body checks that the request is valid and the paperwork has been correctly compiled, before transferring it to Interpol's General Secretariat. It has the power to refuse to pass on a request.)

Forum 18 wrote to the Interior Ministry's press service in Moscow on 22 September, asking whether and, if so, when the National Central Bureau had sent a Red Notice to Interpol in the French city of Lyon in relation to Merazhov, and whether Interpol had agreed to distribute it. Forum 18 put the same questions to Interpol itself on 20 September and 3 October, to the Novosibirsk FSB on 27 September and to Novosibirsk Regional Prosecutor's Office on 28 September. Forum 18 received no response from any of these agencies by the end of the working day of 4 October in Moscow, Novosibirsk and Lyon.

Merazhov does not appear on the searchable public list of Red Notices on Interpol's website, but this currently displays only 7140 out of 69,270 active Red Notices. It is therefore not clear whether a request to distribute a Red Notice for Merazhov has yet reached Interpol or whether Interpol has approved it.

Russia's use of Red Notices

A Red Notice is a request passed on from one Interpol member state to others, to "identify and provisionally detain a person". It is not an arrest warrant, so the agencies of other states have no obligation to perform these actions.

Red Notice requests should be checked for compliance with Interpol's Constitution, under which it is "strictly forbidden for [Interpol] to undertake any intervention or activities of a political, military, religious or racial character". The Interior Ministry's Decree No. 786 of 6 October 2006, "On the approval of instructions for the information support of cooperation through Interpol", also states that Russia's National Central Bureau will "refuse in full or in part to satisfy requests .. related to crimes of a political, military, religious or racial character".

"If the request is not found compliant, it is not published," Interpol's press office told Forum 18 from Lyon on 1 July (https://www.forum18.org/archive.php?article_id=2757).

In recent years, however, Russia is known to have requested the distribution of Red Notices in relation to at least three individuals (https://www.forum18.org/archive.php?article_id=2584) who face prosecution under Russian law for exercising their freedom of religion and belief. This is in contravention of Interpol's rules.

Two of these people – Timur Muzafarovich Atadzhanov (born 21 April 1988) and Ashurali Magomedshapiyevich Magomedeminov (24 September 1972) – are also Muslims who met with others to study the writings of Said Nursi (https://www.forum18.org/archive.php?article_id=2584) and who would face prosecution in Russia under Criminal Code Article 282.2.

FSB investigators arrested Atadzhanov in Novosibirsk in December 2015, as part of the same case in which Merazhov was later charged. He fled Russia in March 2016. Magomedeminov, who is from Dagestan, left Russia to study abroad in the autumn of 2016, he told Forum 18 in July 2020 – before the Investigative Committee in Stavropol Region opened a criminal case against him in August 2017.

Both men learned of their Red Notices from officials in the countries to which they had moved, but have not seen the Red Notices themselves. Atadzhanov spent 11 months in an extradition detention centre before being released, but may still be at risk of deportation. Both he and Magomedeminov must report monthly to the migration services in their respective countries of residence.

Officials of another country told the third individual – who is of another faith – in the summer of 2020 that Russia had issued an Interpol Red Notice seeking the individual's detention and extradition back to Russia (https://www.forum18.org/archive.php?article_id=2584). This person also faces serious criminal charges in Russia related to the exercise of freedom of religion or belief. After the individual contacted Interpol and explained that the criminal charges were brought to punish the exercise of freedom of religion or belief, Interpol withdrew the Red Notice, friends of the individual told Forum 18.

Russia is also believed to have sought a Red Notice for Nina Aleksandrovna Belyayeva (born 16 June 1989), a Baptist and Communist municipal deputy from Voronezh Region. She left Russia in early April, shortly after the council meeting in which she denounced Russia's invasion of Ukraine as a war crime (https://www.forum18.org/archive.php?article_id=2737). She stated that "murdering other people" and "invading the territory of another state, which has nothing to do with the goal of self-defence of one's own state" have "nothing in common with Christian beliefs".

The Investigative Committee charged Belyayeva under both Criminal Code Article 207.3, Part 1 ("Public dissemination, under the guise of credible statements, of knowingly false information about the use of the Armed Forces of the Russian Federation") and Criminal Code Article 205.2, Part 2 ("Public calls to carry out terrorist activities, made using the internet") for her opposition to Russia's war in Ukraine.

On 22 June 2022, police in Voronezh Region issued a resolution to seek a Red Notice for her (https://www.forum18.org/archive.php?article_id=2757), according to a court decision of 24 June which imposed a two-month detention order in Belyayeva's absence. Interpol's press office told Forum 18 on 1 July that there was "no Red Notice or data in Interpol's databases" in relation to Belyayeva.

Belyayeva herself applied to Interpol in July to explain that any Red Notice request it received from Russia was politically motivated and therefore in contravention of Interpol's regulations. Interpol told her also that it had received no Red Notice request.

On 3 August, at the request of the Investigator, Belyayeva was added to the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2687), blocking any bank accounts she might have in Russia.

Novosibirsk prosecutions: One convicted, three released from liability, two abroad

The Novosibirsk FSB initiated the case in which Merazhov is implicated on 2 December 2015. The same month, investigators arrested Imam Komil Odilov – who had been convicted alongside Merazhov in 2013 – and several other Muslims whom they accused of participating in a "Nurdzhular cell" which met frequently at Odilov's home. Most were released after questioning, but Odilov spent nearly ten months in detention before being allowed home under travel restrictions.

Odilov was the only person to undergo a full trial. Merazhov had left Russia in August 2015, before the FSB opened the criminal case, and Timur Muzafarovich Atadzhanov (born 21 April 1988) fled the country in March 2016.

Prosecutors closed the criminal cases (https://www.forum18.org/archive.php?article_id=2373) against Uralbek Karaguzinov (born 21 July 1954) and Mirsultan Takhir-ogly Nasirov (born 8 October 1997) in November 2017 and against Bobirjon Baratovich Tukhtamurodov (born 9 July 1975) in March 2018 under Criminal Code Article 76.2. This permits the "release from criminal liability", upon payment of a judicial fine, of people who have committed a minor or moderate-severity first offence.

Officials removed Karaguzinov and Nasirov from the Rosfinmonitoring List in January 2018, and Tukhtamurodov in June 2018.

Novosibirsk's October District Court found Odilov guilty under Criminal Code Article 282.2, Part 1 on 29 June 2018 and sentenced him to two years' imprisonment (https://www.forum18.org/archive.php?article_id=2391) in a general-regime prison colony. He was released on 25 March 2019 (his time in detention having counted against his prison term), but will remain under administrative supervision and on the Rosfinmonitoring List (https://www.forum18.org/archive.php?article_id=2681) until March 2027.

Tukhtamurodov had to return to his native Uzbekistan in 2022 after the Russian authorities ordered him to leave the country. The Uzbek authorities arrested him on arrival at Tashkent airport in April and a court in Bukhara Region jailed him in June for five years and one month (https://www.forum18.org/archive.php?article_id=2762) to punish him for taking part in a group studying Nursi's works between 2006 and 2010. (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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