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RUSSIA: Another trial of Muslims meeting to study Nursi's works

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

Seven months after a Moscow court handed prison terms to six Muslims who met to study their faith using the works of Turkish theologian Said Nursi, the same court is hearing the case of two more. 45-year-old Zurab Dzhabrailov and 53-year-old Dzheykhun Rustamov have so far made two court appearances. The two have been held at Butyrka prison since August 2023. Investigative Committee and FSB security service documents seen by Forum 18 reveal the investigation – which has involved covert surveillance - has been ongoing since 2017.

The prosecution of Muslims who study the works of the late Turkish theologian Said Nursi is continuing in Moscow with the trial of two more men on charges of "organising" and "participating in" the activities of "Nurdzhular", which was banned as extremist in 2008 but which Muslims in Russia deny has ever existed as a formal organisation. 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.

The 45-year-old Zurab Dzhabrailov and 53-year-old Dzheykhun Rustamov have so far made two appearances at Moscow's Kuzminsky District Court in December and January. If convicted, they could receive long prison sentences or heavy fines (see below).

Dzhabrailov and Rustamov's next hearing is due on 6 February 2024. They have both been in detention at Moscow's Butyrka prison since 2 August 2023, the day after they were arrested. Investigators have charged Dzhabrailov under Criminal Code Article 282.2, Part 1, and Rustamov under Part 2 (see below).

The decrees charging the two defendants, seen by Forum 18, state that Nurdzhular'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 [Messages of Light] collection, which contain information aimed at inciting religious discord (between believers and non-believers)" (see below).

The criminal case against the two men appears to be the continuation of a wider investigation of an alleged "Nurdzhular cell" in Moscow, which has involved covert surveillance. According to Investigative Committee and FSB security service documents seen by Forum 18, the investigation has been ongoing since 2017 (see below).

The first trial of alleged members of this "cell" began in September 2022 and ended in convictions and prison sentences for all six defendants – Yevgeny Tarasov, Mukazhan Ksyupov, Parviz Zeynalov, Urdash Abdullayev, Ilmir Abdullin, and Nikolay Nesterovich – in June 2023 (see below).

Dzhabrailov and Rustamov stand accused of involvement in the same study and prayer meetings which formed the basis of the earlier case, as well as of continuing to organise and participate in similar gatherings after their fellow Muslims were arrested and tried (see below).

Forum 18 asked the Federal Investigative Committee and Moscow City Prosecutor's Office

- in what way Dzhabrailov and Rustamov are considered dangerous;
- who had been harmed by their actions;
- and what punishment prosecutors are seeking.

Forum 18 has received no reply (see below).

Similar criminal trials on "extremism" charges continue against Jehovah's Witnesses. The Supreme Court banned all their organisations in 2017. On 25 January, two courts in Samara Region in separate trials jailed four Jehovah's Witnesses for 7 years

each, while a fifth Jehovah's Witness was handed an assigned work sentence (see below).

Jehovah's Witnesses note that first-instance courts convicted 147 individuals in 2023, sentencing 47 of them to imprisonment (a slight increase on 2022's figure of 44) (see below).

Jehovah's Witnesses also prosecuted, fined, jailed

Courts have also imposed long prison sentences on Jehovah's Witnesses convicted of extremism-related offences. These are followed by periods of restrictions on freedom (https://www.forum18.org/archive.php?article_id=2681) of up to two years, and usually also by bans on engaging in certain activities and/or doing certain jobs after release.

According to figures from the European Association of Jehovah's Witnesses (<https://jw-russia.org/news/2023/12/271308.html>), first-instance courts convicted 147 individuals in 2023, sentencing 47 of them to imprisonment (a slight increase on 2022's figure of 44), with the longest prison term of 8 years handed to Dmitry Barmakin (https://www.forum18.org/archive.php?article_id=2842) in Vladivostok.

"In all cases there are no victims, no real crimes, and no evidence of illegal actions. Cases are initiated for ordinary religious activities: prayers, reading the Bible, singing religious songs, etc.", the European Association of Jehovah's Witnesses notes.

Most recently, Samara Region saw its first convictions of Jehovah's Witnesses for exercising their freedom of religion and belief. On 25 January 2024, Tolyatti's Central District Court sentenced Sona Andranikovna Olopova (born 18 April 1987) to two years' assigned work (prinuditelniye raboty) under Criminal Code Article 282.2, Part 2.

"All the [prosecution's] arguments boil down to the fact that .. in the city of Tolyatti, a small group of people professing the Jehovah's Witness faith held services that began with song and prayer and were aimed at discussing the Bible," Olopova said in court, according to the European Association of Jehovah's Witnesses.

Also on 25 January, Samara District Court found four Jehovah's Witnesses guilty under Criminal Code Article 282.2, Part 1 and sentenced them each to 7 years' imprisonment. Aram Rudikovich Daniyelan (born 21 October 1990), Denis Yuryevch Kuzyanin (born 25 September 1984), Sergey Ivanovich Polosenko (born 6 July 1968), and Nikolay Vasilyevich Vasilyev (born 15 May 1984) all intend to appeal.

"The charges of organising extremist activities are based on hidden recordings of worship services and personal conversations about the Bible," the European Association of Jehovah's Witnesses noted on 29 January. "The case file does not indicate exactly what extremist actions or statements the believers made."

Two more Moscow Muslims on trial

On 30 November 2023, Kuzminsky District Court in Moscow registered a case under Criminal Code Article 282.2 against Zurab Magomedgabibovich Dzhabrailov (born 14 December 1978) and Dzheykhun Fikret ogy Rustamov (born 10 July 1970). Investigators have charged Dzhabrailov under Part 1 ("Organisation of the activities of a banned extremist organisation") and Rustamov under Part 2 ("Participating in the activities of a banned extremist organisation").

Since their preliminary hearing on 13 December 2023, the men have made two court appearances (on 21 December 2023 and 16 January 2024). Their next hearing is due to take place before Judge Yelena Kazan on 6 February 2024, according to the Moscow court system website. They have both pleaded not guilty, a fellow Muslim following the case from outside Russia told Forum 18 on 29 January.

According to case materials seen by Forum 18, both defendants are Russian citizens with no previous convictions. Rustamov, who was born in Azerbaijan when it was part of the USSR, is general director of "Rosichi", which appears to be a property management company, while Dzhabrailov works as a driver for Yandex Taxi.

In response to a request for background information, local police in the men's home districts told the Investigative Committee that both had "satisfactory" character references from their places of residence, with no complaints or reports made about them to police.

Officers of the South-Western Administrative District Investigative Committee arrested Dzhabrailov and Rustamov during raids on their homes on 1 August 2023. The next day, according to court documents seen by Forum 18, investigators applied to Cheryomushinsky District Court to have them placed in custody at Moscow's Butyrka Prison, where they have since remained.

Dzhabrailov and Rustamov's address in detention is:

127055, g. Moskva,

ulitsa Novoslobodskaya 45,

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

Neither yet appears on the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2687).

Forum 18 sent enquiries to the Federal Investigative Committee and the Moscow City Prosecutor's Office on 19 January, asking

- why the two men were considered dangerous;
- who had been harmed by their activities;
- and what punishment prosecutors would be seeking.

Forum 18 had received no response by the end of the working day in Moscow of 31 January.

According to the Investigative Committee decree opening the case, dated 27 July 2023 and seen by Forum 18, Dzhabrailov, "being aware of [the Supreme Court decision to ban Nurdzhular in 2008], that is, aware of the unlawful nature of his actions .. organised the activities of the international religious extremist organisation Nurdzhular" at meetings at an address on Rozhdestvenskaya Street in Moscow.

Investigators accuse Dzhabrailov of "influencing people's religious feelings, while applying skills he had acquired studying the agitational literature of Nurdzhular", and conducting "the instruction of participants of the extremist association, including D.F.o. Rustamov".

In the same decree, investigators state that Rustamov, also allegedly aware of the Supreme Court ban, "participated in the activities of a cell of this association – a 'house madrassah'", organised at the Rozhdestvenskaya Street address and others on Volzhsky Boulevard, Soloviyiny Drive, and Krasnolimanskaya Street.

Investigators accuse Rustamov of "participating in religious-educational classes, during which, together with other participants, acting in strict accordance with the aims and tasks of the religious association, he joined in the study and dissemination of the ideology of Nurdzhular, listened to lectures based on the books of the author Said Nursi, [and] read aloud to other participants from the books of the author Said Nursi from the Risale-i Nur collection".

Long-running investigation

According to the case materials seen by Forum 18, Zurab Dzhabrailov and Dzheykhun Rustamov appear to have been subjects of investigators' attention for several years before their prosecution. Reports of covert video surveillance dating from as early as December 2017 name them among those who regularly visited the various Moscow residential addresses where investigators allege a "cell" of "Nurdzhular" was holding its study meetings.

On 27 June 2023, Kuzminsky District Court handed jail terms (https://www.forum18.org/archive.php?article_id=2845) to four "organisers" of this "cell" – Yevgeny Pavlovich Tarasov, Mukazhan Gazizovich Ksyupov, Parviz Ogtay ogly Zeynalov, and Urdash Zubayruevich Abdullayev – and two "participants" – Ilmir Salikhovich Abdullin and Nikolay Mironovich Nesterovich. Rustamov appeared as a prosecution witness in their trial; Dzhabrailov was not involved, but attended many of the hearings as a member of the public.

Aleksandr Miroshnichenko, an officer from the Interior Ministry's Centre for Countering Extremism, told an Investigative Committee interviewer on 25 October 2023 that the Centre had learned of the existence of a group of Muslims who were members of "Nurdzhular" in 2017. The alleged organisers, including Yevgeny Tarasov, lived on Volzhsky boulevard; the group later extended its activities to addresses on Soloviyiny Drive and Vavilova and Krasnolimaskaya Streets.

Surveillance work, Miroshnichenko stated, later established that Dzhabrailov was also organising gatherings in his flat on Rozhdestvenskaya Street. Rustamov was identified as "an active participant", who attended meetings organised by Dzhabrailov, Tarasov, Parviz Zeynalov, and Urdash Abdullayev, at which "together with these people and other participants in the international extremist religious organisation, he studied the religious literature of S. Nursi".

(According to the case materials, seen by Forum 18, investigators established Rustamov's involvement partly by using cell site analysis to place his mobile phone at the relevant addresses at times when study meetings were believed to be taking place.)

After the arrest of Tarasov and the other five defendants in his case, Dzhabrailov and Rustamov, "having a real opportunity to stop their criminal activity of their own volition, did not give up doing it and continued their unlawful activity, which was halted on 1

August 2023 after their arrest", Miroshnichenko added.

Miroshnichenko also noted that Nikolay Nesterovich – also convicted in June 2023 (https://www.forum18.org/archive.php?article_id=2845) – had been living at Dzhabrailov's address since his release from detention at the end of his trial. Nesterovich, also questioned as part of the investigation of Dzhabrailov and Rustamov, himself confirmed this to investigators, while insisting that he had not seen Dzhabrailov reading any Nursi books in his flat.

Miroshnichenko's surveillance contributed to the jail terms (https://www.forum18.org/archive.php?article_id=2769) handed down at the 2023 trial.

The Investigative Committee opened a criminal case against Dzhabrailov and Rustamov on 27 July 2023 on the basis of surveillance carried out by the FSB and the Centre for Countering Extremism. On 1 August 2023, officers arrested Dzhabrailov and Rustamov and seized copies of Nursi's writings (in Turkish and Russian, mostly in single copies) from their homes.

"Thanks to the joint work of investigators from the capital's Investigative Committee and members of the operational services, with armed support from the National Guard, two men suspected of organising and participating in the activities of an extremist organisation were identified and detained", the Moscow Investigative Committee said in a press statement on its website on 1 August 2023.

At his initial interrogation on the same day, Dzhabrailov admitted owning Nursi's books (having bought them at an exhibition at Moscow's VDNKh exhibition centre in 2015 "or earlier") and accessing them in electronic form, but insisted that he only read them "alone, for myself", and that he had not known that they were banned in Russia.

Dzhabrailov denied having known of the existence or prohibition of "Nurdzhular", but admitted attending the trial of Tarasov and the others at Kuzminsky District Court because he found it interesting. He was personally acquainted with the defendants, he said, probably because he had met them at the mosque. Asked by his lawyer if he had ever organised "Nurdzhular" activities, he said no.

Rustamov refused to make any statement at his interrogation, noting that he had previously given testimony as a witness in the earlier criminal case and now wished to invoke Article 51 of the Constitution (according to which nobody is obliged to testify against themselves).

According to the indictment in the case against the six Muslims convicted in June 2023, Rustamov testified briefly that he read Nursi's books "exclusively in the Turkish language", was aware of the existence of Nurdzhular from the media, and had visited Abdullayev, Ksyupov, Zeynalov, and Tarasov at their homes "in order to relax".

"Discussion of the building of a theocratic state"

In the report of its surveillance of the two men, dated 21 July 2023, the Moscow FSB notes that Dzhabrailov "organised and conducted gatherings of participants of the international religious extremist organisation Nurdzhular, at which he, with D.F.o. Rustamov and other unspecified participants of Nurdzhular, carried out consideration and development of further plans of this religious organisation, the study of banned literature by Turkish theologian Said Nursi ('Risale-i Nur'), [and] discussion of the building of a theocratic state, 'the worldwide caliphate', on the territory of the Russian Federation. Apart from this, he explained the observance of secrecy measures and the avoidance of phrases in conversation which indicate involvement in Nurdzhular."

In the trial of Gennady Shpakovsky at Pskov City Court, the FSB security service claimed that Jehovah's Witnesses were building a "world theocratic state". The court jailed Shpakovsky (https://www.forum18.org/archive.php?article_id=2578) in June 2020 for six and a half years.

Another attendee of the Moscow meetings, questioned as a witness, told investigators that he had read and discussed Nursi's writings with others at "various flats in the city of Moscow". He described the gatherings as follows:

"We sat in a circle and in turn began to read aloud from the works of S. Nursi. Zurab also read together with us. Each participant read on average one page in Russian, after which we discussed what was read. On average, the reading took up about 20 minutes, then we performed namaz, which also lasted about 20 minutes, after which we drank tea and discussed various everyday and life issues. In the course of conversation, those gathered discussed the fact that the works of S. Nursi and so-called 'Darsy' [lessons] are banned in the Russian Federation."

None of the documents in the case materials seen by Forum 18 accuses Dzhabrailov or Rustamov of involvement in any violent actions.

The decrees charging the two defendants state that Nurdzhular'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 [Messages of Light] collection, which contain information aimed at inciting religious discord (between believers and non-believers)".

Further appeals in previous Moscow Nursi case

All six defendants in the earlier Moscow case made an unsuccessful appeal against their convictions on 8 November 2023 at Moscow City Court.

Their lawyers are now preparing cassational appeals, one of the lawyers told Forum 18 on 16 January. They are also intending to submit a complaint to the United Nations Human Rights Council under Article 18 ("Freedom of thought, conscience and religion") of the International Covenant on Civil and Political Rights (<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>) (ICCPR).

On 27 June 2023, Kuzminsky District Court imposed the following sentences (https://www.forum18.org/archive.php?article_id=2845):

- Yevgeny Pavlovich Tarasov (born 2 August 1981), Criminal Code Article 282.2, Part 1 – 6 years and 6 months' imprisonment; 4-year ban on "participating in or leadership of public religious organisations";

- Mukazhan Gazizovich Ksyupov (born 31 March 1969), Parviz Ogtay ogly Zeynalov (born 11 April 1973), and Urdash Zubayruevich Abdullayev (born 15 January 1982), all Part 1 – 6 years' imprisonment; 4-year ban on "participating in or leadership of public religious organisations"; 1 year of restrictions on freedom (https://www.forum18.org/archive.php?article_id=2681) (cannot change address or leave place of residence without informing probation authorities, 10pm to 6am curfew unless going out necessary for work);

- Ilmir Salikhovich Abdullin (born 21 April 1997) and Nikolay Mironovich Nesterovich (born 16 December 1992), both Part 2 – 2 years and 7 months' imprisonment; 10 months' restrictions on freedom (https://www.forum18.org/archive.php?article_id=2681) (cannot change address or leave place of residence without informing probation authorities, 10pm to 6am curfew unless going out necessary for work).

Taking into account their time in detention, Abdullin and Nesterovich were considered to have already served their terms, and were therefore released from the courtroom at the end of their initial trial. Tarasov, Ksyupov, Zeynalov, and Abdullayev remain in detention at Butyrka, waiting for transfer to prison camps, one of their lawyers told Forum 18 on 16 January.

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.

Case materials in the current Moscow prosecution describe "Nurdzhular" activity in Russia 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".

Similar or identical language has featured in case materials from other Nursi-related prosecutions in Moscow, Dagestan (https://www.forum18.org/archive.php?article_id=2386), Krasnoyarsk Region (https://www.forum18.org/archive.php?article_id=2426), and the Republic of Tatarstan (https://www.forum18.org/archive.php?article_id=2698).

None of the materials explicitly claims that those linked to Nurdzhular are involved in any violent actions. The decrees charging the two defendants state 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 [Messages of Light] collection, which contain information aimed at inciting religious discord (between believers and non-believers)".

Similarly, Jehovah's Witnesses have faced prosecution for continuing to meet, study their faith, and worship after the Supreme Court banned all their organisations as "extremist" in 2017 (https://www.forum18.org/archive.php?article_id=2297).

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. Many Jehovah's Witness publications have similarly been

banned. They were added to the Justice Ministry's Federal List of Extremist Materials (https://www.forum18.org/archive.php?article_id=2215). Anyone who produces or distributes any item on the List risks prosecution.

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 (<https://hudoc.echr.coe.int/eng?i=001-185293>)).

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 (https://www.forum18.org/archive.php?article_id=2765) after its renewed invasion of Ukraine, and in June 2022 passed legislation which renders all ECtHR judgments which entered legal force since 15 March 2022 unenforceable in Russia.

Possible punishments

After the 2008 Supreme Court ban (https://www.forum18.org/archive.php?article_id=2215), Muslims who have met to study Nursi's books have been prosecuted under Criminal Code Article 282.2 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".

Jehovah's Witnesses have faced prosecution on the same charges after the 2017 Supreme Court ban (https://www.forum18.org/archive.php?article_id=2297).

Such prosecutions normally happen after Muslims or Jehovah's Witnesses have been kept under FSB security service or police surveillance for some months.

Criminal Code Article 282.2, Part 1

- a fine of 400,000 to 800,000 Rubles (or two to four years' income);
- or 6 to 10 years' imprisonment and compulsory restrictions on freedom for 1 to 2 years after release,
- plus a compulsory ban on holding certain positions and/or carrying out certain activities for up to 10 years;

Criminal Code Article 282.2, Part 2

- a fine of 300,000 to 600,000 Rubles (or two to three years' income);
- or 1 to 4 years' assigned work and compulsory restrictions on freedom for up to 1 year,
- plus a possible ban on holding certain positions and/or carrying out certain activities for up to 3 years;
- or 2 to 6 years' imprisonment
- plus a possible ban on holding certain positions and/or carrying out certain activities for up to 5 years, and compulsory restrictions on freedom for up to 1 year after release.

Prison terms may also be suspended.

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.

Some Jehovah's Witnesses 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.

The state of "sudimost" (having an active criminal record, the state of being a convicted person) also brings with it both formal restrictions and informal obstacles in everyday life (https://www.forum18.org/archive.php?article_id=2681).

Almost everyone investigated or convicted on extremism-related charges is also placed on the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", which blocks access to a person's bank accounts

(https://www.forum18.org/archive.php?article_id=2687), among other consequences. (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 Russia religious freedom survey (https://www.forum18.org/archive.php?article_id=2897).

The then-Director of the SOVA Center for Information and Analysis, Alexander Verkhovsky, in July 2010 wrote a personal commentary about the systemic problems of Russian "anti-extremism" laws (https://www.forum18.org/archive.php?article_id=1468). This organisation was forcibly liquidated in August 2023 (https://www.forum18.org/archive.php?article_id=1468), and a group of its former staff are now a community of researchers under the name of SOVA Research Center (<https://www.sova-center.ru/en/about-us/>).

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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