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RUSSIA: Eight facing criminal cases, five already under arrest

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

Komil Odilov was arrested in Novosibirsk and Yevgeny Kim in Blagoveshchensk in December 2015, Ziyavdin Dapayev and Sukhrab Kaltuyev in Makhachkala and Andrei Dedkov in Krasnoyarsk in March 2016, Forum 18 News Service has learned. The five – who can be held in pre-trial detention for up to one year - are among eight Sunni Muslims known to be facing FSB-led criminal prosecution on charges of "extremism" for studying the works of Turkish theologian Said Nursi. Many Russian translations of his books have been banned as "extremist" in Russia, along with many Jehovah's Witness publications. The 16 Jehovah's Witnesses convicted of "extremist" activity in Taganrog in November 2015 have failed in their attempt to have their sentences overturned. When they get the written verdicts of the 17 March decision they will decide whether to appeal further, Jehovah's Witnesses told Forum 18.

In the latest cases in Russia against Sunni Muslims who read the works of the late Turkish theologian Said Nursi, eight individuals are known to be facing charges in separate criminal investigations in four different cities, Forum 18 News Service has learned. Three of these four cases involve suspects who have previously been convicted of similar "extremism" offences within the last few years. All are being investigated by the FSB security service.

Five of the accused are being held in pre-trial detention in Federal Prison Service investigation prisons (subject to the Russian Justice Ministry), two since December 2015 and three since March 2016. Another two have been placed under travel restrictions.

Under Article 109 of the Criminal Procedural Code, individuals can initially be kept in custody for up to two months, and investigators must seek any necessary extensions to this period by application to a district court. Pre-trial detention in "extremist"-related prosecutions can generally be extended to a maximum of six months, with a maximum of one year in serious cases.

Several of the accused also appear on the Federal Financial Monitoring Service (Rosfinmonitoring) list of "terrorists and extremists", which obliges banks to freeze their assets (see F18News 21 January 2016 http://www.forum18.org/archive.php?article_id=2141).

Meanwhile, 16 Jehovah's Witnesses found guilty of "extremist" activity in November 2015 have failed in their attempt to have their sentences overturned (see below).

Same circumstance, new prosecutions

In the Siberian city of Krasnoyarsk, 36-year-old Muslim Aleksei Dedkov has been charged for the third time, having only just appealed unsuccessfully against his December 2015 conviction for an identical offence.

Multiple raids in March in Dagestan in the Russian North Caucasus resulted in the opening of a criminal case against 33-year-old Ziyavdin Dapayev and brothers 33-year-old Sukhrab and 31-year-old Artur Kaltuyev. under Criminal Code Article 282.2 Part 1 ("Organisation of the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity"). In June 2011 Dapayev was given a three year prison sentence, suspended for two years, for this "offence" (see F18News 21 June 2011 http://www.forum18.org/Archive.php?article_id=1582).

Meanwhile, courts in the Siberian city of Novosibirsk and Blagoveshchensk in the Far East have extended pre-trial detention periods for 40-year-old Komil Odilov and 41-year-old Yevgeny Kim, as investigations continue.

All four prosecutions have arisen from circumstances similar to those of previous cases, in which people who have met to read and discuss Nursi's books are accused of creating "cells" of the banned "extremist" organisation "Nurdzhular", which Muslims in Russia deny even exists. They are then charged under Criminal Code Article 282.2, either under Part 1 ("Organisation of an extremist organisation") or Part 2 ("Participation in an extremist organisation") (see eg. F18News 21 January 2016 http://www.forum18.org/archive.php?article_id=2141).

"Extremist" texts despite lack of hatred or violence

Nothing in Nursi's writings appears to advocate hatred, violence, or the violation of any human right. Despite this, numerous Russian lower courts have ruled that various Russian translations of his works (and of some other Islamic and Jehovah's Witness texts) are "extremist", and have had them added to the Justice Ministry's Federal List of Extremist Materials (see F18News 27 July 2015 http://www.forum18.org/archive.php?article_id=2084).

Sharing such "extremist" texts, even in homes, can render those involved liable to criminal and administrative prosecution (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

The reasons for Russia's ongoing nationwide campaign against readers of Nursi's works are obscure, with quite different reasons offered for banning Nursi writings and "Nurdzhular" in different contexts. The primary cause, however, appears to be state opposition to "foreign" spiritual and cultural influence (see F18News 5 March 2013 http://www.forum18.org/archive.php?article_id=1811).

Little or no reasoning is given in the court decisions which have added Nursi's works to the Federal List, Forum 18 notes. Among the few specific instances of "extremism" cited, for example, are Nursi's descriptions of non-Muslims as "frivolous", "philosophers" and "empty-talkers" (see eg. F18News 5 March 2013 http://www.forum18.org/Archive.php?article_id=1811). The freedom to criticise any religious or non-religious belief is, however, a central part of freedom of religion and belief.

Dagestan

In March, the Dagestan FSB carried out simultaneous raids on homes in four cities across the republic (Makhachkala, Izberbash, Derbent, and Khasavyurt), resulting in the detention of 14 people on suspicion of involvement in "Nurdzhular". Most were later released after questioning, but two – Ziyavdin Dapayev and Sukhrab Kaltuyev – remain in custody and are being investigated under Criminal Code Article 282.2 Part 1 ("Organisation of an extremist organisation") and Part 2 ("Participation in an extremist organisation") respectively (see F18News F18News 22 March 2016 http://www.forum18.org/archive.php?article_id=21614).

Their prison address is:

367012 Respublika Dagestan

Makhachkala

ulitsa Levina 45

Sledstvenny Izolyator No. 1

A third suspect – Kaltuyev's younger brother Artur Kaltuyev, also known as Ramazan – is also suspected of offences under Criminal Code Article 282.2, Part 2, and has been placed under travel restrictions, imam Ilhom Merazhov - who has been following the case - told Forum 18 on 6 April. He added that Dapayev and Sukhrab Kaltuyev are being held in Investigation Prison No. 1 in the Dagestani capital Makhachkala.

During the raids, the FSB seized more than 400 books and brochures, including allegedly "extremist" material, as well as laptops and phones, "Kommersant" newspaper reported on 15 March.

Forum 18 wrote to the Dagestan FSB on 7 April, asking when the case was likely to come to court and why Muslims who read Nursi's works are considered dangerous. It received no reply as of the end of Dagestan's working day on 11 April.

Dapayev's name has been added to the Rosfinmonitoring list of "terrorists and extremists", but those of the Kaltuyevs do not yet appear.

Dapayev was previously convicted of "extremist" activity for alleged involvement in Nurdzhular in May 2011 and received a three-year suspended sentence (see F18News 10 October 2011 http://www.forum18.org/archive.php?article_id=1623).

Krasnoyarsk: fines waived but convictions remain – and new charges brought

Andrei Dedkov, a Muslim convert from Krasnoyarsk, has been charged for the third time with involvement in "Nurdzhular". According to a 22 March FSB document, seen by Forum 18, he is accused of organising a "cell of adherents" and holding study groups at various addresses in Krasnoyarsk between 25 May 2015 and 10 March 2016.

At these meetings, participants allegedly read and discussed prohibited texts from Nursi's "Risale-i Nur" (Messages of Light) collection. These activities were allegedly aimed at "the formulation .. of a positive attitude to death, combined with a willingness to

sacrifice oneself in the interests of the teachings" and promoted "propaganda of the superiority and inferiority of citizens according to religion".

Dedkov – apparently arrested on 10 March - remains in custody, a fellow Muslim who reads Nursi's works told Forum 18 on 24 March.

Forum 18 wrote to the Krasnoyarsk FSB on 6 April to enquire when the case is likely to come to court and why Dedkov was considered dangerous. It received no reply as of the end of the Krasnoyarsk working day of 11 April.

The address of Krasnoyarsk's Investigation Prison, where Forum 18 thinks Dedkov is detained, is:

660075 Krasnoyarskaya Oblast

Krasnoyarsk

ulitsa Respubliki 72

Sledstvenny Izolyator No. 1

Dedkov was first prosecuted for reading Nursi's works in 2010. However, the case against him and three fellow Muslims – Aleksei Gerasimov, Yevgeny Petry and Fizuli Askarov – ran out of time in February 2012 (see F18News 5 March 2012 http://www.forum18.org/archive.php?article_id=1675).

Dedkov then faced identical charges in 2014-5. He was convicted alongside Aleksei Kuzmenko on 18 December 2015 at Soviet District Court (see F18News 21 January 2016 http://www.forum18.org/archive.php?article_id=2141). They were fined 150,000 Roubles and 100,000 Roubles respectively.

On 26 January 2016, Judge Vladimir Sinyakov of Krasnoyarsk Regional Court upheld Dedkov and Kuzmenko's convictions but waived their fines as the two-year statute of limitations had expired by the time their appeal was heard. Soviet District Court had also mistakenly convicted Kuzmenko under Article 282.2, Part 1, and the appeal judge amended this to Part 2.

Soviet District Court halted the trial of a third defendant, Azerbaijani-born Ismat Agdzhayev, because it did not conclude before the statute of limitations expired in January 2016. Agdzhayev was also charged under Article 282.2, Part 2, but the court suspended proceedings against him until he recovered from illness, court spokeswoman Anna Sheludko told Forum 18 on 15 January. By the time hearings resumed on 15 February under a new judge, Tatyana Sokolkina, the two-year limit on the case had been reached and it was dropped on 25 February, according to the court website.

Dedkov, Kuzmenko and Agdzhayev all appear on the Rosfinmonitoring list of "terrorists and extremists". Dedkov's fellow defendants from his first trial do not.

Novosibirsk: detention extended

Imam Komil Odilov, accused for the second time of organising "Nurdzhular" activity, remains in custody in Novosibirsk, his lawyer Yuliya Zhemchugova told Forum 18 from the city on 24 March. His detention has been extended by four months until 2 June, making a total so far of six months since his arrest on 6 December 2015. It is unclear when the case will come to trial – Zhemchugova thinks she will learn more in early summer 2016.

By law, Odilov could be held for up to one year in pre-trial detention, Zhemchugova explained to Forum 18 on 4 April. Every extension to the custody period must be approved by a court.

Odilov's prison address is:

630010 Novosibirskaya Oblast

Novosibirsk

ulitsa Karavayeva 1

Sledstvenny Izolyator No. 1

Odilov has not complained about the conditions in detention, according to Zhemchugova, apart from his cellmates' excessive smoking. However, Vitaly Ponomarev of the Moscow-based human rights organisation Memorial noted on 7 April that Odilov was being held with 13 others in a cell designed for eight and that there were "problems with water".

Forum 18 wrote to the Novosibirsk FSB on 18 January to ask why Odilov was considered dangerous and when the case was likely to come to court. The FSB replied on 27 January and refused to answer these questions, explaining that investigators had not given permission for such information to be disclosed as it concerned a preliminary investigation.

As well as Odilov, two other Novosibirsk Muslims have also been charged with involvement in "Nurdzhular", both under Criminal Code Article 282.2, Part 2 ("Participation in an extremist organisation"). The 61-year-old Uralbek Karaguzinov and 18-year-old Mirsultan Nasirov were also arrested in December 2015 but released after two days. Karaguzinov is now under travel restrictions, Ponomarev reported on 7 April. Forum 18 has been unable to establish whether Nasirov is under any restrictions.

All three men now appear on the Rosfinmonitoring list of "terrorists and extremists", Karaguzinov and Nasirov having been added on 12 January.

Odilov and fellow imam Merazhov were convicted in May 2013 under Criminal Code Article 282.2, Part 1 ("Organisation of an extremist organisation") for allegedly organising "Nurdzhular" activity. Each received a one-year conditional sentence. The investigation and trial lasted two years.

After fruitless appeals to Novosibirsk Regional Court and Russia's Supreme Court, Odilov and Merazhov appealed in January 2014 to the European Court of Human Rights (ECtHR) in Strasbourg (Application No. 6731/14 and Application No. 6738/14). An ECtHR spokesperson told Forum 18 on 11 April that no decision had yet been taken as to the admissibility of the cases.

Blagoveshchensk: detention extended

Muslims who read Nursi's works are also under investigation in Blagoveshchensk in the Far Eastern Amur Region. Yevgeny Kim, whom the FSB first arrested in December 2015, has had his initial two-month detention period extended by a further two months, Ponomarev of Memorial reported on 7 April, and remains in custody in a Federal Prison Service Investigation Prison.

Kim was also placed on the Rosfinmonitoring list of "terrorists and extremists" in April.

The address of Blagoveshchensk's Investigation Prison, where Forum 18 thinks Kim is detained, is:

675007 Amurskaya Oblast

Blagoveshchensk

Seryshevskiy pereulok 55

Sledstvenny Izolyator No. 1

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

Anton Starodubtsev, also detained in December 2015, has appealed to the Blagoveshchensk City Prosecutor to have the actions of FSB investigator Ilya Beloglazov ruled unlawful. According to Starodubtsev's letter, which he provided to Forum 18 on 28 March, the FSB officers "showing no documents, threatening us with guns, in a rough manner made everyone present lie on the floor" for three hours, and kept those they detained in handcuffs for 12 hours.

Ponomarev of Memorial noted on 7 April that Starodubtsev's request to prosecutors is currently under consideration.

Starodubtsev sent similar complaints to President Vladimir Putin on 4 March and to the regional FSB itself on 16 March. In these letters, also provided to Forum 18, he claims that during interrogation of suspects and witnesses, which has taken place several times since 26 December 2015, investigators engaged in "indirect and direct threats [and] blackmail", when lawyers were not present, and tried to get people to sign statements they had prepared in advance.

The Presidential Administration acknowledged receipt of Starodubtsev's letter on 4 March and said it had directed it to the Amur Regional FSB "for the purpose of objective and comprehensive consideration, with a request to inform you of the outcome". Starodubtsev has received no response from the FSB.

In his letters, Starodubtsev categorically denies his own and his friends' and family's involvement in "extremist" activity. He requests that the FSB examine the case "objectively and impartially and without bias, with the assistance of professional experts not only in the field of psychology and linguistics, but also in the field of religious studies", including Muslim scholars.

The Amur Region FSB confirmed to Forum 18 on 19 February that it had initiated a case under Criminal Code Article 282.2, Part 1, and the investigation was ongoing. However, it refused to disclose any further details.

Atheist on trial in Stavropol

The trial of an atheist blogger charged under Criminal Code Article 148, Part 1 ("Public actions, expressing obvious disrespect for society and committed with the intention of insulting the religious feelings of believers") is continuing in Stavropol at Magistrate's Court No. 6. Viktor Krasnov (known on social media as Viktor Kolosov) is accused of committing this "crime" in two online conversations in the "Overhead in Stavropol" group on the VKontakte social network in autumn 2014.

Krasnov's most recent hearing before Judge Aleksandr Filimonov, scheduled for 28 March, was postponed until 12 April after the prosecutor failed to attend. Psychological and linguistic experts summoned by the court also did not appear as they were occupied with analysis for other cases, according to a letter to the judge from the North Caucasus Justice Ministry, posted on Krasnov's Vkontakte page.

The two conversations he is accused of holding disparage beliefs held by some Christians. Nevertheless, Krasnov was exercising his internationally-recognised right to freedom of religion or belief (see F18News 3 December 2015 http://www.forum18.org/archive.php?article_id=2128).

Criminal Code Article 148 came into force on 1 July 2013. Critics noted that it was so poorly defined that it (and the similarly aimed new Code of Administrative Offences Article 5.26) could be used to prosecute actions officials simply dislike. Considerable disagreement exists in both the Russian Orthodox Church (Moscow Patriarchate) and Russian society over the criminalisation of "insulting religious feelings" (see F18News 14 August 2013 http://www.forum18.org/archive.php?article_id=1864).

Taganrog Jehovah's Witnesses' appeal unsuccessful

Sixteen Jehovah's Witnesses found guilty of "extremist" activity in Taganrog in November 2015 have failed in their attempt to have their sentences overturned, the Jehovah's Witness Administrative Centre announced on 18 March. The defendants and their lawyers will decide whether to lodge further appeals once they have received the written verdict from Rostov Regional Court, spokesperson Ivan Belenko told Forum 18 on 7 April.

"During the appeal hearing, it became clear that the judges were not ready to protect the faithful from fictional accusations," lawyer Anton Omelchenko remarked in 18 March press release. "This is the first time in modern Russia that people have been subjected to criminal punishment only because of their faith," Yaroslav Sivulsky of the Administrative Centre added. He insisted that "the decision of Rostov Regional Court discredits Russian justice, returning Russian reality to sad times of religious persecution".

The 14 men and two women received heavy fines (which the judge waived) and suspended prison sentences at Taganrog City Court after a re-trial lasting more than 60 hearings over ten months (see F18News 3 December 2015 http://www.forum18.org/archive.php?article_id=2128).

All were convicted of "continuing the activities of an extremist organisation" by meeting to pray and read the Bible after their community was liquidated in 2009. Appeal judges Maksim Shelekhov, Yekaterina Malysheva and Vladimir Kuznetsov upheld these sentences at Rostov Regional Court on 17 March 2016. (END)

For more background, see Forum 18's surveys of the general state of freedom of religion or belief in Russia at http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis <http://www.sova-center.ru>, about the systemic problems of Russian anti-extremism legislation, is at F18News 19 July 2010 http://www.forum18.org/Archive.php?article_id=1468.

A personal commentary by Irina Budkina, Editor of the <http://www.samstar.ucoz.ru> Old Believer website, about continuing denial of equality to Russia's religious minorities, is at F18News 26 May 2005 http://www.forum18.org/Archive.php?article_id=570.

More reports on freedom of thought, conscience and belief in Russia can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=10>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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