

7 July 2023

RUSSIA: Long jail terms for Moscow Nursi readers

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

Arrested in October 2021, six Muslims who met to study the works of Turkish theologian Said Nursi finally went on trial in September 2022. On 27 June 2023, a Moscow court jailed four of the six for 6 years or more, with the others receiving lesser terms. The judge ordered the destruction of books by Nursi taken during the investigation. On 20 June, a Taganrog court jailed Jehovah's Witness Aleksandr Skvortsov for 7 years. All were convicted on "extremism" charges, which all denied.

The largest trial for eight years of Muslims who met to study the works of Turkish theologian Said Nursi has ended in Moscow with prison terms for all six defendants. On 27 June, the court jailed four of the six for terms of six years or more. These are the harshest punishments handed down to Nursi readers since Ilgar Aliyev was sentenced to eight years' imprisonment in 2018. The court sentenced the other two to two years and seven months each.

The men stood 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 (see below).

In their indictment, investigators noted how the men read aloud from Nursi's books in each other's homes, discussed their meaning, prayed, and drank tea together. The judge should have taken into account 2021 amendments to the Supreme Court's 2011 decree governing the application of the Extremism Law. A lawyer in the Moscow case commented to Forum 18 that the judge had "interpreted [the guidance] in her own way" (see below).

Forum 18 asked Moscow's Kuzminsky District Court why the Judge had found the six men guilty in light of the amended Supreme Court guidance, whom these activities had harmed and why the men were considered dangerous, but has had no response (see below).

[UPDATE 10 July 2023: Galina Gonchar, chair of Kuzminsky District Court, responded on 10 July. She did not address Forum 18's questions, but only confirmed the charges, noted that the verdict had not yet come into force, and stated that "When passing sentence, the court examines all the factual circumstances of a case, as a result of which a proper assessment of all the facts will be given".]

On 27 June, after a nine-month trial, Kuzminsky District Court sentenced four of the men – Yevgeny Tarasov, Mukazhan Ksyupov, Parviz Zeynalov, and Urdash Abdullayev – to terms of six years or more. All were convicted under Criminal Code Article 282.2, Part 1 ("Organising the activities of a banned extremist organisation") (see below).

The Court sentenced the other two defendants, Ilmir Abdullin and Nikolay Nesterovich, to two years and seven months each. They were convicted under Criminal Code Article 282.2, Part 2 ("Participating in a banned extremist organisation"). Because they were deemed to have served this time in detention before and during the trial, they were released from the courtroom. The other four remain in custody, awaiting appeal (see below).

The men have been in detention in Moscow's Butyrka Investigation Prison for 21 months, since their October 2021 arrest. Four of them remain there (see below).

After the case had been handed to court in August 2022, Forum 18 wrote to Moscow City Prosecutor's Office asking in what way the six Muslims were considered dangerous and who had been harmed by their actions, and what punishment prosecutors were seeking. Forum 18 received no reply (see below).

The judge also ordered that all the books by Said Nursi taken during the investigation be destroyed. Courts often order that books by Nursi, as well as other Muslim texts, as well as Jehovah's Witness publications, be destroyed (see below).

Jehovah's Witnesses have faced similar prosecutions after the Supreme Court banned all their organisations as "extremist" in 2017. Of the 56 Jehovah's Witnesses convicted of extremism-related offences in the first six months of 2023, 25 received prison sentences (ranging from 1 year and 11 months to 8 years), 23 – suspended sentences, and 8 – large fines of up to 700,000 Roubles (see below).

On 20 June in Taganrog, the city court sentenced Jehovah's Witness Aleksandr Skvortsov to 7 years' imprisonment under Criminal Code Article 282.2, Part 1 ("Organising the activities of a banned extremist organisation"). His fellow defendant Valery Tibiy received a 6-year suspended sentence (see below).

In all, 5 Jehovah's Witnesses have received 8-year prison sentences, 1 received a 7-year and six month prison sentence and 12 (including Skvortsov) a 7-year prison sentence.

Revised Supreme Court guidance: No impact on convictions

Judges should take into account October 2021 amendments to the Supreme Court's 2011 decree (https://www.forum18.org/archive.php?article_id=2698) 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", and 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".

Trials in Naberezhnyye Chelny, Kazan (https://www.forum18.org/archive.php?article_id=2827), and most recently in Moscow were the first of Nursi readers in which the guidance should have been taken into account. Despite this, the three courts found all twelve defendants in these cases guilty. A lawyer in the Moscow case commented to Forum 18 that the judge had "interpreted [the guidance] in her own way".

Early optimism that the amended guidance would have a positive effect in Jehovah's Witness trials has faded as convictions have continued and higher courts have overturned the few acquittals (https://www.forum18.org/archive.php?article_id=2842) which did take place.

Bans, prosecutions

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.

The indictment in the recent Moscow case 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".

Similar or identical language has featured in case materials from other Nursi-related prosecutions in Dagestan, Krasnoyarsk Region, and the Republic of Tatarstan.

The Moscow 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 [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.

Charges and 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 (https://www.forum18.org/archive.php?article_id=2215) – a fine of 400,000 to 800,000 Roubles (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 (https://www.forum18.org/archive.php?article_id=2215) – a fine of 300,000 to 600,000 Roubles (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 (https://www.forum18.org/archive.php?article_id=2667).

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" (https://www.forum18.org/archive.php?article_id=2681) (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.

Almost everyone investigated or convicted on extremism-related charges is also placed on the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2687), which blocks access to a person's bank accounts, among other consequences.

Taganrog jailing is latest long Jehovah's Witness prison term

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 of up to two years, and usually also by bans on engaging in certain activities and/or doing certain jobs after release.

In the first half of 2023, 56 people were convicted of extremism-related offences, in 34 criminal cases, for continuing to pray and read the Bible with fellow Jehovah's Witnesses. Twenty-five defendants received prison sentences (ranging from 1 year and 11 months to 8 years), 23 – suspended sentences, and 8 – large fines of up to 700,000 Roubles.

On 20 June in Taganrog, the city court sentenced Jehovah's Witness Aleksandr Viktorovich Skvortsov (born 11 June 1962) to 7 years' imprisonment under Criminal Code Article 282.2, Part 1 (https://www.forum18.org/archive.php?article_id=2215) ("Organising the activities of a banned extremist organisation"). His fellow defendant Valery Viktorovich Tibiy (born 4 February 1977) received a 6-year suspended sentence.

This appears to be the first repeat conviction of a Jehovah's Witness, as the same court had found Skvortsov guilty

(https://www.forum18.org/archive.php?article_id=2128) in November 2015 of "continuing the activities" of the Taganrog Jehovah's Witness community, which had been liquidated as "extremist" in 2009 (https://www.forum18.org/archive.php?article_id=1385) before the nationwide ban.

In Vladivostok in April, after a retrial, Dmitry Barmakin received an 8-year prison term (https://www.forum18.org/archive.php?article_id=2842), having been acquitted by the same court eighteen months before. Primorye Regional Court is due to hear his appeal against this decision on 25 July 2023.

Moscow: Six prison sentences, four to serve prison time

On 27 June 2023, Moscow's Kuzminsky District Court handed six Muslim men prison terms under Criminal Code Article 282.2 (https://www.forum18.org/archive.php?article_id=2215), Part 1 ("Organising the activities of a banned extremist organisation") and Part 2 ("Participating in a banned extremist organisation") for meeting in each other's homes to study the writings of Said Nursi.

This was the largest trial of Muslims who read Nursi's works since the conviction of six people in Perm in 2014 (https://www.forum18.org/archive.php?article_id=2033), and these sentences are the longest imposed for alleged "Nurdzhular" activity since Ilgar Aliyev received 8 years' imprisonment (https://www.forum18.org/archive.php?article_id=2386) in May 2018 in Dagestan.

Aliyev's sentence was an aggregate punishment for two alleged offences under Criminal Code Article 282.2 (https://www.forum18.org/archive.php?article_id=2215), Part 1 and Part 1.1 – meaning that the Moscow sentences in June are the longest ever received under a single charge for exercising freedom of religion and belief by studying Nursi's works.

(In November 2022, a cassational court ordered Aliyev's Part 1.1 charge to be removed and his sentence recalculated – he has since been released (https://www.forum18.org/archive.php?article_id=2842) and has left Russia.)

The six Moscow residents have 15 days to lodge appeals from the date they receive the written verdict. At least four of them intend to do so, one of their lawyers told Forum 18 on 30 June.

Judge Yuliya Frolova issued the following sentences after nearly 30 hearings over nine months:

- Yevgeny Pavlovich Tarasov (born 2 August 1981), 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 (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 (cannot change address or leave place of residence without informing probation authorities, 10pm to 6am curfew unless going out necessary for work).

The six men have spent the duration of the investigation and trial (since early October 2021) in detention at Moscow's Butyrka prison (https://www.forum18.org/archive.php?article_id=2769). Their sentences – if they enter legal force – will therefore be reduced at a rate of one day in detention to a day and a half in prison. Abdullin and Nesterovich are considered to have already served their terms, and were therefore released from the courtroom. The judge placed them under travel restrictions and a good behaviour order.

If their appeals are unsuccessful, Tarasov, Ksyupov, Zeynalov, and Abdullayev will be sent to general-regime prison camps. In the meantime, they remain in custody in the capital – their address in detention is:

127055, g. Moskva

ul. Novoslobodskaya 45

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

Investigators and prosecutors have not added any of the men to the Rosfinmonitoring "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2687).

Judge Frolova interpreted the Supreme Court's revised guidelines for extremism-related "in her own way", one of the lawyers in the case commented to Forum 18 on 30 June, concluding that "the defendants concealed their crimes with religious actions like prayer".

"The organisers of the extremist community were convicted for teaching others, the participants, for learning from the organisers", the lawyer summed up the court's verdict.

Forum 18 wrote to Moscow's Kuzminsky District Court on 29 June to ask why it had found the six men guilty in light of the amended Supreme Court guidance, who had been harmed by their actions, and why the judge had considered prison sentences necessary. Forum 18 had received no reply by the middle of the working day in Moscow of 7 July.

[UPDATE 10 July 2023: Galina Gonchar, chair of Kuzminsky District Court, responded on 10 July. She did not address Forum 18's questions, but only confirmed the charges, noted that the verdict had not yet come into force, and stated that "When passing sentence, the court examines all the factual circumstances of a case, as a result of which a proper assessment of all the facts will be given".]

In a press release of 28 June, the Moscow City Investigative Committee stated that its South-Western Administrative District Investigation Department had established that "a group of persons, aware of the decision of the Supreme Court of the Russian Federation [to outlaw 'Nurdzhular'], organised the work of an international religious extremist organisation, banned in the Russian Federation, on the territory of the capital region".

"The meetings were held from December 2017 to October 2021 in rented apartments located along Vavilov Street, Krasnolimanskaya Street, Solovyiny Drive [Proyezd] and Volzhsky Boulevard, where members of the organisation studied extremist literature", the statement continues. Their "criminal activities" were "identified and suppressed during cooperative work by the Moscow Investigative Committee [and] operational law enforcement officers", and the subsequent investigation "fully incriminated" the defendants.

"Undermining the foundations of the constitutional order and state security"

Investigative Committee officials, accompanied by police, FSB security service, and armed National Guard personnel, raided several homes of Moscow Muslims on 5 October 2021. They seized religious literature, phones, and computers, and arrested eleven men – six of whom who were transferred after a day or two to the capital's Investigation Prison No. 2, known as Butyrka. These six were later charged under Criminal Code Article 282.2 (https://www.forum18.org/archive.php?article_id=2215).

The other five people arrested were later released without charge. Some appeared as witnesses in the trial.

The Investigative Committee's 205-page indictment (https://www.forum18.org/archive.php?article_id=2769) claims that the six men were aware they were "undermining the foundations of the constitutional order and state security". All six denied any guilt, 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 court, according to the verdict (seen by Forum 18), they all pleaded not guilty and testified briefly that they had no links to "Nurdzhular" and no involvement in any "extremist" activity, but followed the precepts of traditional Islam.

The judge noted that there were no aggravating circumstances in the case. As mitigating circumstances, she noted that all six defendants had positive character references from neighbours and workplaces, had never been convicted of anything before, and were in most cases responsible for either elderly relatives or underage children.

Investigators accused Tarasov, Ksyupov, Zeynalov, and Abdullayev – charged under Criminal Code Article 282.2, Part 1 (https://www.forum18.org/archive.php?article_id=2215) – of creating an "organised and purposeful gathering of pupils of a 'home madrassah'", in which 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 – charged under Criminal Code Article 282.2, Part 2 (https://www.forum18.org/archive.php?article_id=2215) ("Participating in a banned extremist organisation") – allegedly "participated in the activities of the cells of this association", during which 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".

Several witnesses stated that they had visited the homes of the four men charged under Criminal Code Article 282.2, Part 1 (https://www.forum18.org/archive.php?article_id=2215) ("Organising the activities of a banned extremist organisation"), 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".

Judge Frolova concluded: "Contrary to the arguments of the defence, the activities of Tarasov, Ksyupov, Zeynalov, and Abdullayev went beyond simple profession of religious faith and consisted of organising and leading gatherings related to the continuation and resumption of the activities of [Nurdzhular] by means of the study with others of the works of Said Nursi, banned in Russia, which form the ideological basis of the Nurdzhular association."

"The defendants' arguments that their criminal prosecution has taken place exclusively on the basis of religion and belief in one god are an attempt to justify themselves before the court and in the eyes of society, and are a deliberate confusion of the concepts of 'individual religious belief' and 'organisation and participating – banned by criminal law – in the activities of a religious association prohibited for its extremist activity by a court decision which has entered legal force'."

The Moscow Investigative Committee reported on 5 October 2021 that it had found firearms during the searches. Its press releases of 28 July 2022 (after final charges had been made and the investigation completed) and 28 June 2023 (after the trial had ended) do not mention any weapons, however, and no weapons feature in the indictment or verdict, both 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 was a witness in the case.

After the case had been handed to court in August 2022, Forum 18 wrote to Moscow City Prosecutor's Office asking in what way the six Muslims were considered dangerous and who had been harmed by their actions, and what punishment prosecutors were seeking. Forum 18 received no reply.

Judge orders book destruction

In her verdict, Judge Frolova ordered that once the verdict comes into force (after any appeal), the many books by Said Nursi taken from the defendants during the investigation are to be destroyed.

Courts in other cases have ordered religious literature to be destroyed.

In March 2023, Naberezhnyye Chelny City Court jailed Nursi readers Khunar Agayev and Aydar Sageyev. In his verdict, the judge ordered to be destroyed (https://www.forum18.org/archive.php?article_id=2827) a number of books by and about Nursi, seized from the men in the course of the investigation. Although these books are not themselves on the Justice Ministry's Federal List of Extremist Materials (https://www.forum18.org/archive.php?article_id=2215), the Russian translations of some of them are, and the judge decided that all of them had been "used as the means of commission of a crime".

In January 2020, Nadezhdinsky District Court in Primorye ordered two Bibles seized from Jehovah's Witnesses to be destroyed (https://www.forum18.org/archive.php?article_id=2536). (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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