

# Autonomous Advocacy (A=A)

## **Report to the United Nations Human Rights Council for the Universal Periodic Review of RUSSIAN FEDERATION (3rd Cycle, 30<sup>th</sup> session of UPR Working Group, Apr-May 2018)**

Prepared by researchers: Prof. Dr. Ilhom Merazhov ([merazhov@gmail.com](mailto:merazhov@gmail.com)) and LL.M. Yurii Sheliashenko ([yuriy.sheliashenko@gmail.com](mailto:yuriy.sheliashenko@gmail.com)).

About us. NGO “Autonomous Advocacy” was founded on 23 August 2016 to implement and protect natural human rights and freedoms in association of called for help independent experienced autonomous advocates and provocateurs who call for help (registered under No. 1462771 in Ukrainian Register of civic associations). Short name of Autonomous Advocacy is A=A, the law of identity. Our motto is AD VOCO PRO SUI IURIS, which in Latin means “to call for own right”. Autonomous Advocacy created own legal system for the protection of human rights and freedoms in all legal systems by realizing natural law of Provocatio ad populum (appeal to the people), which means freedom of speech to demand justice and freedom of association to create fair laws and legal relations, according to the universal tradition of direct democracy, which practiced at the Comitia in the ancient Rome, at the Veche in the ancient Kyiv, always and everywhere by people who assembly to make a social contract. Private legal system and rights-defending projects of the Autonomous Advocacy described in the book “Autonomous Advocacy: organizational and legal framework” (in Ukrainian) and in the article “Stages of evolution of entity’s personal autonomy on the model of Non-Governmental Civic Organization “Autonomous Advocacy” (in English and in Russian).

### CONTACT INFORMATION:

Civic Organization “Autonomous Advocacy”

Head: Sheliashenko Yurii Vadymovych

Tverskyi tupyk street, 9, app. 82, Kyiv, 01042, Ukraine

mobile (097) 317-93-26, fax (044) 529-04-35

[autonomouadvocacy@gmail.com](mailto:autonomouadvocacy@gmail.com)

[facebook.com/suilex](https://facebook.com/suilex)

## Summary

1. This report was prepared in October 2017 and aimed to describe facts of human rights violations in the criminal prosecution of Sunni Muslims, especially followers of Bediuzzaman Said Nursi in Russian Federation for their religious beliefs, expressed in peaceful lawful ways, such as conducting religious ceremonies, teaching religion and sharing religious literature. The violations include systematic discrimination of Muslims in religious and civic freedoms and wrongful accusations of Muslims as participants in extremist activities without any evidence of violence or physical harm. 43 cases of wrongful convictions and 65 cases of wrongful restriction of religious literature are described, 8 of it are communicated by European Court of Human Rights. A= A recommends that government of Russian Federation reconsider legislation and legal proceedings in the field of fighting extremism to ensure strong protection of human rights, especially civic and religious freedoms, and take measures to retract wrongful restrictions on peaceful writings of Risale-i Nur Collection and to compensate damages for wrongful conviction of Muslims, accused in extremism just for peaceful worship.

### Earlier incidents and significant degradations after 2nd UPR cycle

2. In 2002 Russian Federation adopted Federal Law on Combating Extremist Activity, on account of its broad and imprecise wording, particularly insofar as the “basic notions” defined by the Law - such as the definition of “extremism”, “extremist actions”, “extremist organisations” or “extremist materials” - in opinion of Venice Commission, gives too wide discretion in its interpretation and application, thus leading to arbitrariness<sup>1</sup>.

3. In 2007 Koptevsky District Court of Moscow decided to proclaim as “extremist literature” and prohibit 14 books of Said Nursi’s Risale-i Nur Collection, emphasising on Nursi’s criticism of unbelievers. Although prosecution expert Prokopishin acknowledged that in the books there is no hate speech or extremist calls for action, expert opinions of Prof. Dr. Sergei Mezentsev and co-president of Russian Muftis Council Nafigullah Ashirov were ignored and in expertise report ordered by prosecution key concepts of Islam were said to be misinterpreted and books of Said Nursi.

4. In 2008 Supreme Court of Russian Federation decided to proclaim as “extremist organization” which forms a non-existent “International religious association Nurdjular” aimed to “create global Islamic state”, set up a “group of population with positive perception of death”. In judgment without any relevant proofs it was claimed that all people in Russian Federation who distribute Said Nursi’s Risale-i Nur Collection are supposed members of fictional “Nurdjular” association.

5. During 2<sup>nd</sup> Cycle of UPR Russian Federation received recommendations: from Italy – to consider revising the current legislation on “combating extremism” so as to define precisely the crime of extremism and apply it only in relevant cases in full compliance with international obligations; from United States of America – to amend the law “on counteracting extremist activities” to define extremism in terms of actual use of violence; also, Norway expressed concern at laws on restricting extremism. Some stakeholders noted in their submissions discrimination of Muslim followers of Said Nursi’s teachings<sup>2,3</sup>. Delegation of Russian Federation stated that the authorities tried to reach a balance between the interests of individuals and the interest of society in general, the Government also considered it its duty to take measures to address threats of terrorism and extremism and to uphold the rights of individuals while ensuring safety for everyone<sup>4</sup>. But in fact, no such recommendations were implemented and imbalance between human rights and Russian legislation aimed to fight extremism became deeper<sup>5</sup>.

6. According to U.S. Department of State “Russia 2015 International Religious Freedom Report”, 50-year-old woman in Krasnoyarsk was convicted of extremism and sentenced to pay a fine of 10,000 rubles (\$136) on August 13 for reading and discussing works of Sunni Muslim theologian Said Nursi. She was also found to have materially supported the “organization” of Nurdjular by conducting meetings. The government continued to ban Nurdjular, which it stated was a religious

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1 [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2012\)016-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2012)016-e)

2 [http://lib.ohchr.org/HRBodies/UPR/Documents/Session16/RU/FORUM18\\_UPR\\_RUS\\_S16\\_2013\\_FORUM18\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session16/RU/FORUM18_UPR_RUS_S16_2013_FORUM18_E.pdf)

3 [http://lib.ohchr.org/HRBodies/UPR/Documents/Session16/RU/IRPP\\_UPR\\_RUS\\_S16\\_2013\\_InstituteonReligionandPublicPolicy\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session16/RU/IRPP_UPR_RUS_S16_2013_InstituteonReligionandPublicPolicy_E.pdf)

4 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/155/09/PDF/G1315509.pdf?OpenElement>

5 [http://www.forum18.org/archive.php?article\\_id=2215](http://www.forum18.org/archive.php?article_id=2215)

association of followers of Nursi. Religious rights advocates and followers of Nursi said a Nurdjular organization did not exist<sup>6</sup>. Latest legislation adopted by Russian Federation in 2016 year, known as “Yarovaya Laws” or “Big Brother anti-terror laws”<sup>7,8</sup>, prohibit any worship without government authorization. Also, in 2017 Supreme Court of Russian Federation outlawed Jehovah Witnesses as an “extremist organization”<sup>9</sup>.

### **Repressions against readers of Risale-i Nur books**

7. At the current time there are 65 books of Risale-i Nur Collection enlisted as prohibited extremist literature in Russian Federal List of Extremist Materials by various court judgments, although none of them was found to include hate speech. Readers and distributors of the books were typically convicted in crimes under the articles 282-2 (organizing extremist activity) and 282 (incitement of hatred or enmity) of Russian Federation Criminal Code.

8. In Dagestan, in 2009 Zayavdin Dapayev and Ruslan Bolatov were charged in organization of extremist activities. In 2011 Dapayev was found guilty and sentenced to 3 years probation with seizure and liquidation of 1820 copies of religious literature. In 2016 Dapayev and Suhrab Kultuyev were arrested for possession of Risale-i Nur books. Kultuyev stayed at pre-trial detention facility until September, after which he was released with restrictions on moving and similar preventive measures were applied to his brother Arthur Kultuyev. Both brothers were accused for organizing extremist activities. Also, on 21 April 2017 Federal Security Service of Russian Federation reported detaining in Izberbash 20-year-old Ilgar Aliyev, suspected in organization of the cell of Nurdjular extremist organization.

9. In Orenburg region in 2010 Asylzhan Kelmukhambetov was sentenced to 1 year and 6 months of imprisonment in a colony-settlement for “extremist” reading Risale-i Nur. On 2012 Orenburg Regional Court replaced imprisonment with a fine of 100.000 rubles and released Kelmukhambetov from jail.

10. In Krasnoyarsk region in 2010 criminal prosecution took place against “extremist” Risale-i Nur readers Fizuli Askarov, Alexei Gerasimov, Andrei Dedkov and Yevgeny Petry. In 2012 Soviety District Court of Krasnoyarsk terminated criminal prosecution due to expiration of statutory investigation term and ordered to destroy 171 books of Nursi which were seized, 7 CDs, removable disk and 4 hard disks of computers with audio and video materials. In 2015 Said Nursi's followers Mrs. Guzenko and Mr. Kuzmenko were found guilty in “extremism” and fined to 100.000 rubles, and Andrei Dedkov to 150.000 rubles. In mid-March 2016, Andrey Dedkov and Andrei Rekst were detained and later arrested in Krasnoyarsk, both were charged of involvement in the "Nurdjular". Rekst was soon released on bail, Dedkov was in jail until March 2017, and then was released with pledge not to leave place of living. Prosecution stated that from May 2015 to March 2016, Dedkov organized the cell of Nurdjular, arranged religious meetings in private apartments where he discussed the books of Nursi and taught how to distribute books.

11. In Nizhny Novgorod Region in 2010 35-year-old Azerbaijani citizen Ilham Islamly was arrested and after 5 months of pre-trial detention found guilty for “inciting hatred or enmity committed in public” due to expressing support of Said Nursi's teachings, sentenced to 1 year probation and destruction of seized laptop, removable disk and two CD-ROMs. In 2011 Leninsky District Court of Nizhny Novgorod sentenced for reading Risale-i Nur Elshan Gasanov to 1 year imprisonment, Aleksear Safarov and Renat Hayarov to 8 months of imprisonment, Nazim Ahmadov, Ramil Kerimov and Igor Kuznetsov to 1 year probation and 1.843.390 rubles were confiscated.

12. In Ulyanovsk region in 2011 Azerbaijani citizen Rashid Abdulov, was accused of creating a Nurdjular cell, sentenced to one year of correctional labor. 24-year-old student of the Faculty of Industrial and Civil Engineering of the Ulyanovsk State Technical University Ayrat Akhtyamov was questioned as an “extremist” crime suspect and 33-year-old Ilham Khisanutdinov was put on the wanted list for participation in collective readings of Said Nursi's books in the mosque and in

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6 <https://www.state.gov/documents/organization/256447.pdf>

7 <https://www.theguardian.com/world/2016/jun/26/russia-passes-big-brother-anti-terror-laws>

8 <http://www.icnl.org/research/library/files/Russia/Yarovaya.pdf>

9 <http://www.bbc.com/news/world-europe-39661339>

apartments since 2009. In 2015 Leninsky District Court of Ulyanovsk found guilty of “extremism” supposed members of non-existent Nurdjular organization: Bagir Kazihanov was sentenced to 3 years 6 months imprisonment in a colony; Alexander Melentyev to 1 year 8 months of imprisonment later replaced with probation; Stepan Kudryashov to 2 years of imprisonment later replaced with probation.

13. In Chelyabinsk region in 2012 three women, Faride Ulmaskulova, Venere Yuldasheva from Chelyabinsk and Gulnaz Valeeva from Naberezhnye Chelny were accused of participating in non-existent extremist organization Nurdjular. In May 2016 Sovetskiy District Court of Chelyabinsk sentenced Yakov Tseluk to 2 years imprisonment replaced with 2-year probation and 1-year restraint of freedom when found him guilty that in 2012-2013 he distributed audiobooks of Nursi in the social network, and also made 7 reposts with quotations from forbidden books.

14. In Novosibirsk region in 2013 two imams of the Spiritual Directorate of Muslims of the Asian part of Russia, suspected in conspirative participation in non-existent extremist organization Nurdjular, Ilkhom Merazhov and Komil Odilov were sentenced to 1 year of imprisonment replaced with probation. Komil Odilov was detained in Novosibirsk, arrested by court for 10 months, and in 2017 accused of links with fictional Nurdjular. Muslim Uralbek Karaguzinov was detained for the same suspicion and was released after 48-hour detention.

15. In Naberezhnye Chelny in 2014 Ilnur Khafizov and Fidail Salimzyanov were fined to 100.000 and 50.000 rubles for organizing fictional Nurdjular by creating "home madrassa", reading and discussing Islamic religious literature, including banned works of Said Nursi. For the same verdict, proclaimed as extremist activity creating "female house madrasa", Muslim women Nakiya Sharifullina was fined 100000 rubles and D. Khapinova was sentenced to a fine of 50.000 rubles.

16. In Kaliningrad region in 2012 Federal Security Service of Russian Federation started criminal prosecution against 32-year-old Amir Abuyev accusing him of extremist activities for fictional Nurdjular organization.

17. In Blagoveschensk of the Amur Region in 2015 42-year-old Yevgeniy Kim was arrested for organizing fictional Nurdjular cell, similarly one of the Muslim witnesses Anton Starodubtsev was accused later. In December 2016 prosecution provided indictment, also charged Kim in inciting religious hatred, supposed to be in books of Said Nursi. In 2017 Yevgeniy Kim was sentenced to 3 years and 9 months of imprisonment.

18. In the Ufa (Republic of Bashkortostan) in 2017 a group of Muslims were sentenced for supposed involvement in fictional extremist organization Nurdjular: Azamat Abutalipov, former correspondent of the newspaper Kiske Ufa, to 4 years of imprisonment; Aivar Khabibullin, former head of the procurement department of the government of Bashkortostan, to 2 years and 3 months imprisonment in colony; also, owner and director of the language school Shamil Khusnitdinov and teachers Timur Munasyrov and Ayrat Ibragimov were sentenced to 3 years probation.

19. In August 2017 8 cases of human rights violations in Russia were communicated to European Court of Human Rights, including freedom of religion, freedom of expression and freedom of assembly & association. Among them applications of Risale-i Nur readers Rashid Abdulov, Asylzhan Kelmukhambetov, Ilkhom Merazhov, Komil Odilov, Nakiya Sharifullina, Laura Khapinova, Fidail Salimzyanov, Zarema Magomedova, Bagir Kazikhanov, concerning prohibition of Said Nursi works, judgment on outlawing fictional extremist organization Nurdjular and criminal prosecution of Muslims for involvement in it, also application of Turkish publishing house "Sozler" concerning wrongful prohibition of brochure "Comparison of Faith and Unbelief".

### **Recommendations to the Russian Federation**

20. A=A recommends that government of Russian Federation reconsider legislation and legal proceedings in field of fighting extremism to ensure strong protection of human rights, especially civic and religious freedoms, personal autonomy in cultural rights, and take measures to retract wrongful restrictions of Risale-i Nur Collection which are peaceful writings and to compensate damages for wrongful conviction of Muslims, accused of extremism for peaceful worship.

21. A=A supports recommendation of Italy to Russian Federation, submitted during 2<sup>nd</sup> Cycle

of UPR, to consider revising the current legislation on “combating extremism” so as to define precisely the crime of extremism and apply it only in relevant cases in full compliance with international obligations, and notes that no implementation of the recommendation has taken place so far.

22. A=A supports recommendation of United States of America to Russian Federation, submitted during 2<sup>nd</sup> Cycle of UPR, to amend the law “On counteracting extremist activities” to define extremism in terms of actual use of violence, and notes that no implementation of the recommendation has taken place so far.

23. A=A recommends that government of Russian Federation fulfill their own promise to uphold the rights of individuals while ensuring safety for everyone, and notes that no real measures have taken place to fulfill such promises.

24. A=A recommends that government of Russian Federation organize public inclusive dialogue on the matters of human rights protection, personal autonomy in religious and cultural rights, avoiding discrimination of Muslims and other oppressed social groups and develop national plan for universal human rights protection.