

# **RUSSIA: Misuse of the anti-extremism law in April**

Sova Center (10.05.2019) – <https://bit.ly/2WHaHhm> – In late April, the Privolzhsky District Military Court sentenced five residents of Almetyevsk (the Republic of Tatarstan) on the charges of involvement in the Islamic religious party Hizb ut-Tahrir, recognized in Russia as a terrorist organization. Anas Gimazetdinov was sentenced to 18 years in a penal colony with subsequent restriction of freedom for one year under Article 205.5 Part 1 of the Criminal Code (organizing the activities of a terrorist organization). Irek Mukhametov also faces 18 years in a penal colony, with restriction of freedom for one year under Article 205.5 Part 1 and Article 205.1 Part 1 (soliciting, recruiting or other involvement of a person in terrorist activity). Azat Zagiev was sentenced to 13 years in a penal colony under Article 205.5 Part 2 (participating in the activities of a terrorist organization) and Article 205.1 Part 1; Rinat Khannanov and Emil Shangareev – also to 13 years in a maximum security colony under Part 2 of Article 205.5. All five were arrested in October 2017. They were charged for holding meetings that involved reading and discussion of the party literature and for recruiting new members to join Hizb ut-Tahrir. In our opinion, charging Hizb ut-Tahrir followers with terrorism solely on the basis of their party involvement is inappropriate.

A new criminal case was launched in mid-April against Bashkir nationalist Airat Dilmukhametov under Article 205.2 Part 2 of the Criminal Code (public justification of terrorism on the Internet) and Part 1 of Article 280 of the Criminal Code (public calls for extremist activity). According to the available information, the investigation applies Article 205.2 of the Criminal Code based on the fact that Dilmukhametov

posted a video about the persecution of Hizb ut-Tahrir members on YouTube on November 6, 2018. He characterized the harsh punishments they face under Article 205.5 of the Criminal Code as unjust, but, at the same time, warned young people against joining the party, criticizing its ideology. Thus, Dilmukhametov did not even agree with the ideology of Hizb ut-Tahrir, let alone any advocating or justification of terrorist activities – he merely stated that this organization does not resort to terrorist methods of struggle. As for the charges under Article 280 of the Criminal Code, we cannot evaluate the extent of their appropriateness due to our lack of information on the content of the statement; we only know that the statement in question was public and pertained to the Chechens. We view the prior charge against Dilmukhametov under Article 280.1 of the Criminal Code as inappropriate.

## **HRWF Comment**

According to the European Court, Hizb ut-Tahrir is not a religious organization but a political party. It is not violent and does not incite to violence. However, the European Court dismissed a complaint by Hizb ut-Tahrir against their ban in Germany because it advocates the overthrow of non-Islamic governments and the establishment of an Islamic Caliphate. The Court also held in particular that under Article 17 (prohibition of abuse of rights) of the European Convention on Human Rights, it was impossible to derive from the Convention a right to engage in an activity aimed at destroying any of the rights and freedoms set forth in the Convention.

See:

<https://www.strasbourgconsortium.org/portal.case.php?pageId=10>

[#caseId=874](#)