

Memorial says Khiramagomed Magomedov, a civil society activist from Dagestan, is a political prisoner

Khiramagomed Magomedov, one of the leaders of the civil society organization 'Union of the Just', has been charged with participating in the organization 'Hizb ut-Tahrir al Islami' (Party of Islamic Liberation), which is banned in Russia, attempting to involve a police officer embedded in the party in activities aimed at the violent seizure of power, and also in carrying a military pistol with three cartridges.

He has simultaneously been charged with offences under five articles of the Russian Criminal Code: Article 282.2, Section 2 (taking part in the activities of a non-governmental or religious association or organization that has been, by decision of a court, closed down or had its activities banned on grounds of extremism), Article 205.5, Section 2 (taking part in the activities of an organization that, in accordance with Russian law, has been designated as terrorist), Article 205.1, Section 1 (inducement, recruitment or other involvement of a person in committing at least one of the offences provided for under Articles 205, 206, 208, 211, 277, 278, 279 and 360 of the Russian Criminal Code); Article 30, Section 1, in conjunction with Article 278 (preparation of violent seizure of power) and Article 222, Section 1 (illegal acquisition, transfer, sale, possession, transport or carrying of firearms, their principle parts, or ammunition).

The charges relating to participation in a banned organization are based on the 2003 decision of the Russian Supreme Court to designate Hizb ut-Tahrir a terrorist organization. We have repeatedly expressed our disagreement with the position taken by the Supreme Court. There is no evidence that this organization, which is a legal political party in the Middle East, has been involved in even a single act of terrorism anywhere in the world. In the countries of Western Europe and North America the party is not banned (with the exception of Germany, where it is prohibited under administrative, but not criminal, law). We consider that there are no grounds to prosecute participants in Hizb ut-Tahrir as terrorists.

In essence, the investigators consider Magomedov's offence to have been that he took part in rallies and pickets and also in study sessions on the Quran, learning Arabic, and on international politics and on public speaking. He is not accused of any acts of violence or incitement to violence. 'Attempted involvement of a police officer in actions directed toward the violent seizure of power' is a description given to a conversation in a kitchen in which Magomedov said that Muslims 'are more and more turning to political Islam.'

The charges against Magomedov are duplicated. Participation in Hizb ut-Tahrir before November 2013 falls under Article 282.2, Section 2 of the Russian Criminal Code, and after that date, once the corresponding legal norm had been adopted, under Article 205.5, Section 2, of the Russian Criminal Code. We consider that this is one activity for which (if it really is a crime) he should be punished once only. He is also charged twice for a conversation about political Islam, under Article 205.1, Section 1, and under Article 30, Section 1, in conjunction with Article 278 of the Russian Criminal Code, although, in the view of the investigation, the sum total of Magomedov's actions allegedly preparing the violent seizure of power consisted merely of the fact that he sought out an accomplice in his interlocutor.

Finally, prosecution under Article 222 of the Russian Criminal Code had already begun in May 2015. The pistol and cartridges, according to the prosecution, were discovered in a pocket of Magomedov's trousers after he was taken to the police station. He himself asserts that he was seized by unknown people outside the rector's office at Dagestan State University, handcuffed and put in a car, where the pistol was planted on him. We do not have unequivocal evidence of Magomedov's innocence on this count, only the version of the investigation and the version of Magomedov. However, we consider that a person who is on his own with law enforcement officers is not able to gather evidence to support his case, to summon independent witnesses, and so on. On the whole, his account of events does not seem to us to be contradictory and it is similar to other cases in which banned substances and other items have been planted on persons

in Russia, and in particular in the North Caucasus. In any case, the charge under Article 222 of the Russian Criminal Code is insignificant in comparison with the other charges.

We demand the release of Khiramagomed Magomedov.

Recognition of an individual as a political prisoner, or of a prosecution as politically motivated, does not mean that Memorial Human Rights Centre shares or approves of the individual's views, statements or actions.

For more information about this case, see [here](#).

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