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RUSSIA: "An attempt to revive total ideological control"

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Russia's Council of Muslims has expressed outrage over the banning in one court hearing in Orenburg of 65 Islamic texts as "extremist". The ban was imposed in a 20-minute hearing on 21 March and came into force on 27 April, but only became known when copies of the decision were handed to Islamic publishers at a book fair in Kazan in mid-June. The Council condemned such religious book bans as "an attempt to revive total ideological control". Damir Mukhetdinov, first deputy chair of the Spiritual Directorate of Muslims of European Russia, told Forum 18 that the organisation has already spoken to the Presidential Administration of its concerns. "We are already deciding on our next steps and preparing documents for an appeal." Fr Georgy Maksimov, now a Russian Orthodox deacon but then a layman, conducted one "expert analysis" of the Islamic books for the FSB security service. He told Forum 18 that "having my own views does not prevent me from fulfilling my public duty as a citizen. I have qualifications in religious studies and conducted this expert analysis in this capacity."

The Moscow-based Council of Muftis, one of Russia's leading Islamic bodies, is seeking to have overturned the mass banning in one court case of 65 Islamic books plus a number of articles, Forum 18 News Service has learned. The Council condemned such bans as "an attempt to revive total ideological control". The publications were banned as "extremist" in a 20-minute hearing in a court in Orenburg in the Urals on 21 March, the biggest single known banning of religious literature by a Russian court. However, this only became known in mid-June when copies of the court ruling were shown to exhibitors at a Muslim book fair in Tatarstan's capital Kazan.

Court cases continue as prosecutors seek to ban other religious literature, including many Jehovah's Witness works. Courts continue to order internet providers to block access to Islamic and Jehovah's Witness websites.

Meanwhile, a Judge at the same Orenburg court which banned the 65 Muslim books has transferred the criminal case against local Muslim Ramil Latypov to a lower court. Latypov - a reader of the works of the late Turkish Muslim theologian Said Nursi - is facing trial 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"). Like so many such "extremism"-related prosecutions, the case was initiated by the FSB security service (see F18News 6 June 2012 http://www.forum18.org/Archive.php?article_id=1709).

Judge Aleksandr Artamonov of the city's Lenin District Court ruled on 8 June that the case against Latypov should be transferred to a Magistrate at Lenin District's Judicial Unit No. 10, the Judge's assistant told Forum 18 from the court on 19 June. She refused to say why the Judge had transferred the case to another court. The secretary at the Judicial Unit told Forum 18 the same day that the case has not yet arrived. The chancellery of Lenin District Court told Forum 18 that now the 8 June decision has entered into legal force, the case will be transferred soon.

Two year preparation to ban Islamic books

Moves to ban the 65 Islamic books began in Orenburg on 5 February 2010, when FSB investigator Semyon Dunaev commissioned an "expert analysis" of 76 Islamic books confiscated from local Muslims the previous year.

Dunaev assigned the analysis to Yury Maksimov, then a Russian Orthodox layman who taught at Moscow Orthodox Spiritual Academy. Maksimov began work on the analysis the following day (Orenburg and Moscow are a little over two hours' flying time away). He completed it on 26 February 2010, according to the text seen by Forum 18. Less than three months after completing the analysis, Maksimov was ordained a Russian Orthodox deacon, the Academy's website notes.

In his analysis, Maksimov maintained that the books belonged to the Nurdzhular movement (which had been banned by Russia's Supreme Court in April 2008); that they argue for the "exclusivity" of Islam and Muslims, and preach a negative attitude to non-believers and refusal to accept a secular state, and "acceptance of violent methods to achieve their goals"; and that many of them contain views typical of the Nurdzhular movement.

Muslims who read the works of Said Nursi insist that no such movement as Nurdzhular exists (see F18News 29 May 2008)

http://www.forum18.org/Archive.php?article_id=1136).

All 76 books had been confiscated during raids in March 2009 on several Orenburg homes, including that of Asylzhan Kelmukhambetov, the March 2012 court decision – seen by Forum 18 - notes. Kelmukhambetov – a reader of Nursi's works - was eventually sentenced in June 2011 under Criminal Code Article 282.2, Part 1 to 18 months' imprisonment. After months in a prison hospital, he was freed in January 2012 (see F18News 20 January 2012 http://www.forum18.org/Archive.php?article_id=1658).

A "psycholinguistic expert analysis", also completed on 26 February 2010, concluded that the books "are directed towards the gradual transformation of the personality of the reader, a change in the worldview in accordance with the ideology of the teaching, the formation of new life values, convictions and stereotypes of conduct". The books aimed to change the reader's convictions "on an irrational basis".

Court ban

Once the criminal conviction of Kelmukhambetov was completed and the verdict in the final appeal in his case entered into legal force in January 2012, the Prosecutor of Orenburg's Lenin District brought a suit to court on 15 February to ban 68 of the 76 confiscated Islamic books. The court hearing took place under Judge Aleksandr Nuzhdin at Lenin District Court on 21 March, the court website notes. The hearing began at 10.30 am and was completed 20 minutes later. The written decision was issued on 26 March.

Supporting the suit in court was Deputy District Prosecutor Yelena Akimova, with Oksana Borodai representing the Regional Justice Department as a third party in the case.

Citing the various analyses that the confiscated books belonged to the "extremist international religious organisation Nurdzhular", the verdict notes that "the court has no reason not to trust the conclusion of the specialists, who had been warned of the criminal liability for giving deliberately false conclusions".

The Judge ruled that 65 named books, plus an unspecified number of articles, are "extremist". A total of 14 of the books are by an Istanbul-based Naqshbandi Sufi teacher Osman Nuri Topbas. A further ten are by Fethullah Gulen, a US-based Turkish imam who heads his own Islamic movement. A further three are by Nursi. Among the others are one by Shamil Alyautdinov, a prolific author and imam of Moscow's Memorial Mosque who was banned from visiting Kazakhstan to promote his books in 2011 (see F18News 21 October 2011 http://www.forum18.org/Archive.php?article_id=1628).

Judge Nuzhdin ordered that the decision be communicated to the Justice Ministry in Moscow so that the works can be included on the Federal List of Extremist Materials.

The decision notes that the court did not have to rule on the confiscation of the books, as the verdict in the Kelmukhambetov case had already ruled that the books – as evidence in that case – had been ordered destroyed once that verdict had entered into force.

Muslims and Jehovah's Witnesses have in the past expressed concern and outrage that courts have ordered their confiscated religious literature to be destroyed.

No-one appealed

Lenin District Court chancellery told Forum 18 on 19 June that no-one had appealed against the 21 March decision and that it had entered into legal force on 27 April. The official – who did not give her name – was unsure whether anyone could appeal against the decision, as the only parties to the case were the Prosecutor's Office and the Regional Justice Department, both of which supported the decision. She said Judge Nuzhdin and his team were away on a planned holiday until early July. She was unable to explain why the court website's record of the case, unlike with other cases, gives no details as to what it was about or who the parties were.

The duty officer at Orenburg Region FSB refused to put Forum 18 through to Investigator Dunaev, who had been involved in the moves to ban the books. "We don't give out the numbers of our employees," he told Forum 18 on 19 June. He declined to offer anyone else who could explain why the FSB had been involved.

Borodai of the Regional Justice Department refused to discuss her involvement in the case. "I am not authorised to speak about this," she told Forum 18 from Orenburg on 19 June. Her boss – who did not give her name – said the Department had taken part in the case as a third party. "We always take part in such cases in case we have questions," she told Forum 18 the same day. She denied that the ban on the religious books represented censorship, but insisted that it was the Prosecutor and the Court which took the decision. She said she was aware of the Council of Muftis protest against the decision.

"Fulfilling my public duty as a citizen"

Fr Georgy Maksimov (his clerical name) claimed that he was unaware of the Orenburg court decision which followed his February

2010 analysis. But he insisted his analysis had not been coloured by his own religious views. "I wasn't a priest when I completed this expert analysis," he told Forum 18 from Moscow on 19 June. "But having my own views does not prevent me from fulfilling my public duty as a citizen. I have qualifications in religious studies and conducted this expert analysis in this capacity."

Asked whether he was not uncomfortable that Islamic books have now been banned in the wake of an analysis by a member of the Russian Orthodox Church, Maksimov responded: "You had better ask those who commissioned the analysis. Besides, the court took the decision."

"An attempt to revive total ideological control"

On 18 June, soon after learning of the March court ban on the 65 books from those at the Islamic book fair in Kazan who had been given a copy of the court decision, the Council of Muftis issued a sharply-worded statement on its website. It noted with surprise that so many books "by literally every Muslim publisher in Russia" had been banned in one decision. It complained that "not one author, translator or publisher" had been invited to the court to respond to the accusations.

The Council labelled the ban on religious works as "an attempt to revive total ideological control" and a "worrying signal" for all in Russia. It pointed out that this was not the first time it had criticised court-imposed bans on Muslim literature. "But unfortunately the situation has not improved since our earlier protests," it lamented.

While supporting state moves to ban genuinely extremist works, the Council of Muftis complained that decisions were often taken based on "expert analyses" which were not "objective, well-founded, multi-faceted and complete".

Damir Mukhetdinov, first deputy chair of the Spiritual Directorate of Muslims of European Russia, told Forum 18 that the organisation has already spoken to the Presidential Administration of its concerns at the court decision. "We are already deciding on our next steps and preparing documents for an appeal," he told Forum 18 from Moscow on 19 June.

Asked if the Council of Muftis or the Spiritual Directorate was able to lodge an appeal in Orenburg, Mukhetdinov responded: "The mechanism must be at a more serious level, in Moscow." He noted that when attempts were made to ban works by the head of the Directorate, Mufti Ravil Gainutdin, the Mufti had approached Russia's General Prosecutor and the ban was "re-examined".

Mukhetdinov – who is a member of the Public Chamber, an advisory body for the political leadership – repeated his concerns in a blog post on the Public Chamber's website on 19 June.

He noted the 13 June Public Chamber hearing on whether "anti-extremist expert analyses" of and court bans on religious literature were appropriate. Concerns had been expressed that local courts were imposing bans on religious books which then became mandatory for the entire country. Some felt that such decisions – if they were to be taken – should be taken at a much higher level.

"I consider it appropriate to secure in law the provision that it is impossible for the Extremism Law to apply to books representing the basis for the religious teaching of registered religious organisations," Public Chamber member and lawyer, Yelena Lukyanova, told the hearing.

Ever-expanding Federal List

The Justice Ministry's Federal List – established in 2007 – includes dozens of religious works in its more than a thousand entries. As of 19 June, 68 Jehovah's Witness publications and 19 of the works of Nursi in Russian translations, as well as works related to the Chinese spiritual movement Falun Gong, are among those to have been declared to be "extremist", banned by local courts and placed on the Federal List. Anyone distributing works on the Federal List or storing them with the intention of distributing them is liable to criminal prosecution (see eg. F18News 21 June 2011 http://www.forum18.org/Archive.php?article_id=1582).

After widespread protests by human rights defenders in Russia and by Hindus and the government in India, a Tomsk court in March finally rejected the prosecutor's suit to declare "extremist" and ban The Bhagavad-Gita As It Is, a Hare Krishna commentary on the Bhagavad-Gita (see F18News 21 March 2012 http://www.forum18.org/Archive.php?article_id=1682).

It generally takes several months before works banned by a local court are added to the Federal List. However, a number of works banned by local courts have not been added to the List, including some Jehovah's Witness publications.

Court cases continue elsewhere in Russia to ban further Jehovah's Witness publications as "extremist". Prosecutors are seeking to ban Bearing Thorough Witness About God's Kingdom through Uspensky District Court in Krasnodar Region (see F18News 5 January 2012 http://www.forum18.org/Archive.php?article_id=1652).

A 2 May court-ordered expert analysis by Krasnodar Laboratory of Judicial Expert Analysis – seen by Forum 18 – found no incitement of hatred or denigration of others in the text. Prosecutors were dissatisfied by the findings. At their request Judge Olga Izrailova, who is hearing the case, agreed on 6 June to send the book for a further analysis to the Southern Regional Centre of

Criminal prosecutions

Possession of literature on the Federal List – often discovered in Police, Prosecutor's Office and FSB raids on religious believers, especially Nursi readers and Jehovah's Witnesses – renders individuals liable to criminal prosecution.

The trials of 15 religious believers on "extremism"-related criminal charges are known to have been completed, these being 14 Muslim readers of Nursi's works and one Jehovah's Witness. Despite many of the investigations and trials lasting several years and the insistence of prosecutors that the individuals are dangerous, only 10 of the religious believers (all Nursi readers) eventually ended up being convicted. Of these, five received prison sentences and five received suspended prison sentences. The one Jehovah's Witness was ultimately acquitted. The trial of the remaining four Nursi readers lapsed as they had not been convicted within the required two-year period. Criminal trials of four Jehovah's Witnesses are underway, while several Nursi readers in addition to Latypov in Orenburg are expecting trials (see F18News 6 June 2012 http://www.forum18.org/Archive.php?article_id=1709).

Seizures of religious literature from both Muslims and Jehovah's Witnesses, mostly during raids or detentions, frequently result in prosecutions under Article 20.29 of the Code of Administrative Offences. This punishes "Production or distribution of extremist materials" recorded on the Federal List of Extremist Materials with a fine or imprisonment of up to 15 days and confiscation of the banned literature. Under this Article, the "mass distribution" of items on the Federal List, as well as their "production or possession for the purposes of mass distribution" is banned. Despite the term "mass distribution", prosecutors have often brought charges even if only one copy of a text is discovered. Court decisions usually order "extremist" materials to be confiscated and often destroyed (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=1724).

As a result of "operational, investigative measures", the FSB security service raided a garage where Jehovah's Witness Shmavon Bagdasaryan works close to a military unit in Bashkortostan in the Urals. Claiming that he was distributing banned Jehovah's Witness publications among military personnel, prosecutors brought a case to Judicial Unit No. 3 of Bashkortostan's Chismy District. On 4 May, Magistrate Ildar Nugaev found him guilty of distributing literature on the Federal List and fined him 1,000 Roubles (183 Norwegian Kroner, 24 Euros or 31 US Dollars), according to the verdict seen by Forum 18. Bagdasaryan has appealed against the fine.

Jehovah's Witnesses expressed concern to Forum 18 of the FSB's wide distribution of news of the case. The FSB stressed that Bagdasaryan had been born in Georgia (though he is a Russian citizen), hinting that a foreigner's association with military personnel was suspicious. Jehovah's Witnesses also complained that only two of nine Jehovah's Witnesses who had come to support Bagdasaryan were allowed into the courtroom. They also noted that the FSB had threatened to force Bagdasaryan's business to close and to obstruct the acquisition by his wife of Russian citizenship.

More websites banned

Prosecutors in many parts of Russia have gone to court to order internet companies to block access to religious websites, particularly Jehovah's Witness and Muslim websites (see F18News 21 March 2012 http://www.forum18.org/Archive.php?article_id=1682).

Judge Maksim Mokhovoi of Krasnodar's Lenin District Court ruled on 19 April that local internet company Megafon must block access to several websites deemed to be carrying "extremist" material, the court website notes. Among the websites was Jehovah's Witness website jw-russia.org.

The case had been lodged by prosecutors in Rostov-on-Don, who argued that the Jehovah's Witness website was used by members of the Taganrog Jehovah's Witness community, which has been banned as "extremist" and liquidated in September 2009. The decision was upheld by Russia's Supreme Court in December 2009 (see F18News 8 December 2009 http://www.forum18.org/Archive.php?article_id=1385).

After an attempt by Russia's Deputy General Prosecutor Ivan Semchishin launched in 2010 and various court hearings in Moscow's Tushino District Court and the City Court to block the islamindex.ru website, the registry "voluntarily" acceded to the demands and the case was closed on 6 April 2012, Krasnodar Region Prosecutor's Office noted on its website on 18 June. (END)

For more background, see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1196.

Analysis of the background to Russian policy on "religious extremism" is available in two articles: - 'How the battle with "religious extremism" began' (F18News 27 April 2009 http://www.forum18.org/Archive.php?article_id=1287 - and - 'The battle with "religious extremism" - a return to past methods?' (F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

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.

A printer-friendly map of Russia is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Russia>.

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