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RUSSIA: "Absurd bans"

By Felix Corley, Forum 18

Russia's recent ban of more than 65 Islamic works has attracted many protests. Appeals against the bans will be presented on 6 August to Orenburg Regional Court, Forum 18 News Service has been told by a court official. On 18 July it became known that one of the 65 books, Elmir Kuliyeu's Russian-language book "The Path to the Koran", had been banned for the second time by a court in Omsk. This second ban was, like the Orenburg banning decision, at the initiative of the FSB security service. Islamic scholar Rinat Mukhametov has stated that the Orenburg court ban was a "crucial turning point" for Russia's Muslims. He said the "absurd bans" had to be challenged.

The Russian court which banned more than 65 Islamic works in March has received six appeals from individuals and publishers, Lenin District Court in the southern Urals city of Orenburg told Forum 18 News Service on 30 July. It said the appeals would be presented on 6 August to Orenburg Regional Court, where they will be heard. The appeals will be passed on together with any response from the Prosecutor's Office. This largest single banning of religious literature in a single Russian court decision has provoked widespread outrage from human rights defenders, Islamic scholars and some of the authors and publishers.

Orenburg's Lenin District Court banned the Muslim works at a 21 March hearing which lasted just 20 minutes and came into force on 27 April, though the decision only became known in mid-June (see F18News 19 June 2012 http://www.forum18.org/Archive.php?article_id=1713).

The works were added to the Federal List of Extremist Materials on 12 July. 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).

On 18 July it became known that one of the 65 books, Elmir Kuliyeu's Russian-language book "The Path to the Koran", had been banned for the second time by a court in the south-western Siberian city of Omsk. This second ban was, like the Orenburg banning decision, at the initiative of the FSB security service (see below).

Six appeals

On 18 June, the Izhevsk-based human rights lawyer Rustem Valiullin lodged an appeal against the mass banning on behalf of the publisher Aslambek Ezhaev, head of the Moscow-based Umma publishing house. Valiullin pointed out that the ban included many popular Islamic works by medieval and contemporary writers. The latest ban includes "materials from all the major publishers of Islamic literature in Russia", he noted on his website lawfulstate.ru the same day.

Valiullin drowned on 24 June while swimming in a mountain river in Altai Republic, while visiting the region to defend a client. The lawyer Svetlana Avdzaeva has taken over the case.

Lenin District Court has received five other appeals, including one from another Moscow-based publisher Novy Svet (New World), an official of the Appeal Department of the Court told Forum 18. Novy Svet published 18 of the works the Court banned.

Rare event

"Of course it's a rare event to have so many appeals in one case," a court official told Forum 18. She said the other parties to the case – Lenin District Prosecutor's Office and the local Justice Department – have been informed of the appeals and they have the right to lodge their objections to them. All six appeals and any objections from the other parties will be presented together on 6 August to Orenburg Regional Court, where the appeal will be heard.

The official noted that no objections have been received from the other parties.

Officials of Lenin District Prosecutor's Office told Forum 18 that a Deputy District Prosecutor Yelena Akimova – who had brought the initial banning suit – would decide whether to make any objections to the appeals. When Forum 18 asked the woman who

answered Akimova's phone on 30 July for her, she responded simply "No" and put the phone down.

Re-examination needed

Islamic scholar Rinat Mukhametov told the muslim.ru website on 20 June that the Orenburg court ban was a "crucial turning point" for Russia's Muslims. He said the "absurd bans" had to be challenged "and cannot be allowed ultimately to come into force". He was speaking before the books were added to the Federal List, which they are now on.

Mukhametov referred to Russia's Hare Krishna community. He pointed out that, though relatively small, the community had been able to stand up for their book "The Bhagavad-gita As It Is". A court in the Siberian city of Tomsk finally rejected prosecutors' attempts to have that book banned as "extremist" in March (see F18News 21 March 2012 http://www.forum18.org/Archive.php?article_id=1682).

Among the living authors whose works were banned in the March Orenburg judgment was Elmir Kuliyeu, an Azerbaijani scholar of Islam who works at the Institute of Strategic Studies of the Caucasus in the Azerbaijani capital Baku. The Orenburg court banned the 2008 printed edition from the Umma publishing house of his Russian-language book "The Path to the Koran". It has also subsequently been banned by an Omsk court (see below).

Kuliyeu argued to Forum 18 from Baku on 25 July that the concept of "religious exclusivity" referred to by the "experts chosen by the FSB" needs a "thorough and objective re-examination". He believes that this is used not to counter religious extremism, but at "limiting the activity of non-Russian Orthodox movements".

"Nothing to do with extremism"

As proof of this, Kuliyeu cites the inclusion among the books banned by the Orenburg court of works of "world cultural heritage", such as the Life of the Prophet Muhammad by Ibn Hisham, an early 9th century Muslim writer. "He is an undisputed authority cited not only by Arabists around the world, but by thousands of other authors."

Kuliyeu also cited the bans on works by "leading representatives of the Shafi'i school", the 11th-12th century imam Abu Hamid al-Ghazali, the 13th century imam an-Nawawi and the 14th century theologian Ibn Kathir. In addition, he expressed "complete incomprehension" over the banning of books by more contemporary Muslims - including the Turkish theologians Said Nursi, Osman Nuri Topbas and Fethullah Gulen, the Arab theologian Said al-Qahtani and the Indian theologian Safi-ur-Rahman al-Mubarakpuri - "whose books somehow have attracted the attention of the Russian special services".

Azerbaijani Muslim theologian Nariman Gasimoglu also decried the sweeping ban on such a wide range of Islamic books in the Orenburg judgment. "Not all of the works can be interpreted as intolerant," he told Forum 18 on 30 July from Baku. He pointed out that Ibn Kathir's "History of the Prophets from Adam to Muhammed" is "just about the history of the prophets from Adam to Muhammed".

Gasimoglu also noted that the book "Collected prayers. Jevshan al-Kabir. Appeals of the Prophet to the Most High" "is just about prayers and I don't see a reason to see it as igniting religious hatred. I read the prayers and can attest that they have nothing to do with extremist views at all. Each of the prayers sounds like a song of praise to God and ends with a petition that God save them from the fire."

Other Muslims too have complained about the banning of these and other works. Among these, Novosibirsk-based imam Ilham Merzhov complained of the banning by the Orenburg court of the 2008 Russian translation of the English book "Fundamentals of Rumi's Thought: A Mevlevi Sufi Perspective". The book, itself a translation of the original Turkish edition by the late Turkish Mevlevi Sufi leader Sefik Can, looks at the ideas of the 13th century Persian-language poet and mystic Rumi.

Incompetent

"Promoting the exclusivity and superiority of Islam referred to in the prosecutors' reasons for the ban is very common in all this kind of traditional Islamic literature," Azerbaijani Muslim theologian Gasimoglu told Forum 18. "Some of the latter may hide a potential to incite religious hatred."

The freedom to make claims about the relative merits or demerits of religious or non-religious views is a central part of the internationally-recognised right to freedom of religion or belief. However, Russian prosecutors frequently view exercising the freedom to make these claims as grounds for prosecution (see Forum 18's survey of religious freedom violations related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724).

Gasimoglu is concerned at the undifferentiated approach of the bans. "It seems the Russian authorities are incompetent to differentiate between what is extremist and what is simply religious with no hatred towards others."

"This wide-ranging religious censorship discredits the very idea of a Federal List of 'extremist' materials," Kuliyeu complained to Forum 18. "It not only makes the Russian judicial system a laughing stock but, and unfortunately draws undue attention to a lot of leaflets and video-films which don't deserve this attention. I hope the Russian authorities will find in themselves the strength to overcome this crisis, and officials will work out a more measured mechanism to fight against those whose activity is really extremist."

Condemnation

Kuliyeu also condemned the Russian courts for banning his work on the Koran as "extremist" for a second time. The second ban also followed an FSB security service-sponsored analysis. On 12 July, Judge Galina Shibaeva of Omsk's Kuybyshev District Court upheld the Regional Prosecutor's suit to declare "The Path to the Koran" extremist. She also ordered the confiscation of printed copies of the book "when they are discovered", according to the court website. The decision can be appealed against within one month of the written verdict, which was produced on 17 July.

The second ban on the book only became known on 18 July, when Omsk Regional Prosecutor's Office posted a statement to its website. It explained that the suit had been brought after a joint police and Prosecutor's Office operation had established that local resident Zokhirzhon Sharipov had downloaded from the internet an electronic version of Kuliyeu's book "not later than autumn 2011". He had then given an electronic copy to a friend.

"In April 2012, in the course of operational/investigation measures, this version of the book was confiscated by officers of the Anti-Extremism Centre of the Omsk Region Police," the statement added.

The work was then sent for a "linguistic analysis" by the Criminological Laboratory of the Expert Subdivision of Sverdlovsk Region FSB security service. Its analysis, completed in May, concluded that the book "contains information directed at the propaganda of exclusivity and superiority on a religious basis, and at the incitement of religious discord". It claimed that Kuliyeu's views, with references to the Koran, "could provoke illegal, violent actions by Muslims against followers of Christianity and Judaism, as well as other religious movements or tendencies found on the territory of the Russian Federation".

"Surprised and disappointed"

Kuliyeu rejects the Prosecutor's Office assertions. "All that we do and believe in is far from extremism," he insisted to Forum 18. He lamented that the Prosecutor's Office had not informed him of the "linguistic analysis" of his book or the court case. "I found out about these from the electronic media," he complained.

"Of course I am surprised and disappointed by the incompetence or prejudice of the experts whose opinion became decisive in adopting what I regard as an unjust decision," he told Forum 18. He complained that he was unable to challenge the ban through the Russian courts. "However, recent years have shown that appealing is a waste of time, resources and moral strength." (END)

For more background, see Forum 18's surveys of the general state of religious freedom in Russia at http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

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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