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CRIMEA: First known Russian religious literature "extremism" prosecution

By Felix Corley, Forum 18

Esadullakh Bairov, a deputy head of Crimea's Muftiate, became the first individual since the Russian annexation of Crimea in March to be prosecuted for "extremist" religious literature seized during a raid on a madrassah (Islamic religious school). Dzhankoi District Court in northern Crimea today (26 August) fined him 2,000 Russian Roubles, the court told Forum 18 News Service. Prosecutor Andrei Oliyars, who brought the administrative case, described the raid on the madrassah as an "inspection". He refused to say what confiscated books had been the basis for the prosecution. "It was such a long list," he told Forum 18. "Just to read it would take 15 or 20 minutes." At least seven Crimean madrassahs, as well as mosques, private homes and the Muftiate itself have been raided in the hunt for religious literature controversially banned as "extremist" by Russian courts.

In the first known prosecution over religious literature since Russia forcibly annexed Crimea in March, a Crimean court has punished a senior Muslim leader on "extremism" charges. Dzhankoi District Court in northern Crimea today (26 August) fined one of the deputy heads of the Muftiate, Esadullakh Bairov, after religious books were seized during a raid on a madrassah (Islamic religious school) which he oversees. He was punished because the books have controversially been banned in Russia.

Several madrassahs, private homes and even the Muftiate itself have been raided in the search for "extremist" materials. The vast majority of Crimea's Muslims are from the Crimean Tatar minority.

The fine came soon after nearly 20 Turkish imams and lecturers who have been in Crimea on a long-standing arrangement were forced to leave. The Russian Federal Migration Service told the Muftiate it is not legally empowered to invite anyone until it has been re-registered (see F18News 3 September 2014 http://www.forum18.org/archive.php?article_id=1992).

The compulsory re-registration under Russian law of all religious organisations in Crimea which wish to obtain legal status began on 1 July. Many religious communities are unsure how the re-registration process will affect their enjoyment of the right to freedom of religion or belief (see F18News 10 September 2014 http://www.forum18.org/archive.php?article_id=1995).

Hunt for "extremist" religious literature

Russia regards the Crimean peninsula as an integral part of Russia, but Ukraine and the international community do not recognise the peninsula as part of Russia. The peninsula is now divided between two Russian federal regions, the Republic of Crimea (with its capital in Simferopol) and the port city of Sevastopol. The city has equal status with two other federal cities, Moscow and St Petersburg.

The Russian authorities have also established branches in Crimea of federal agencies, including the Justice Ministry and the FSB security service. However, many local officials appear to have been already in post before March and have simply had their posts transferred to the new authorities.

Russia insists that Russian federal law – including the Criminal Code and the Code of Administrative Offences – now applies in Crimea. This means that its inhabitants can fall foul of Russia's anti-"extremism" laws.

Many Islamic texts – including numerous translations of the writings of the late Turkish theologian Said Nursi and the contemporary Istanbul Naqshbandi Sufi teacher Osman Nuri Topbas – as well as Jehovah's Witness publications have been banned in Russia as "extremist". Anyone who distributes or possesses such works risks criminal prosecution and punishment (see Forum 18's "extremism" Russia religious freedom survey at http://www.forum18.org/archive.php?article_id=1724).

Soon after the annexation, the Russian authorities began hunting for religious literature which is banned in Russia.

Jehovah's Witnesses told Forum 18 that so far their communities and adherents have not faced searches in the hunt for literature on the Federal list.

The Crimean Muftiate published an announcement on its website on 5 August, drawing the attention of all its communities, imams and ordinary Muslims to the existence of the Federal List and the punishments attached to violating the ban on the listed works. "In connection with this, we ask you to familiarise yourselves with the List and take measures to liquidate the banned materials if any are present," the Muftiate wrote.

The Muftiate has also conducted its own audits of its mosques and colleges in a bid to remove literature on the Federal List to avoid prosecution by the Russian authorities.

"We can't understand on what basis it was banned"

A spokesperson for the Muftiate insisted that the FSB had not ordered the Muftiate to make the announcement. "We chose to do so to inform people so that they are in the picture," the spokesperson told Forum 18 on 13 August. "We want to ensure none of our people get into any difficulty."

"We want to protect our Muslims from any excesses that could happen tomorrow," Bairov of the Muftiate told the QHA news agency on 6 August. He vigorously opposed the banning of any bona fide religious work, including the collection of prayers, Said Wahf Al-Qahtani's "Fortress of the Muslim", three Russian-language editions of which have been banned in Russia since 2012.

"We can't understand on what basis it was banned," Bairov told QHA, "it's a prayer book simply including prayers." He noted that it is one of the most widely-owned books among Crimean Muslims. "But fact is fact – this book is banned." He said Muslims should put any banned books on one side and wait for further instructions from the Russian authorities as to what should be done with them.

After "Fortress of the Muslim" was confiscated in a raid on a madrassah, Aider Ismailov, another Deputy Chair of the Muftiate, noted on the Muftiate website on 13 August that "perhaps every second Muslim here has a copy of it". He urged the Russian authorities to take account of the fact that no list of banned literature existed under Ukrainian jurisdiction, before Russia annexed the peninsula.

Russian courts have frequently ordered that confiscated religious literature which is on the Federal List should be destroyed (see F18News 19 August 2014 http://www.forum18.org/archive.php?article_id=1986).

First raid

The Muftiate announcement came more than a month after Russian police and FSB security service officers had begun raiding their schools and mosques, as well as private homes.

One of the first raids came on 24 June. About 30 armed Russian security agency officers raided the madrassah in the village of Kolchugino (Bulganak in Crimean Tatar), some 20 kms (12 miles) west of Simferopol. The madrassah – which is part of the Spiritual Administration of Crimean Muslims (the Muftiate) – teaches boys how to recite the Koran in Arabic.

Officers – some of them masked – were from Russia's FSB security service, OMON riot police, ordinary police, and Berkut (security units originally formed under Ukrainian Interior Ministry jurisdiction). Officers broke glass on windows and doors to gain entry to the building, where 13 teenage boys and two teachers were asleep. Madrassah officials were questioned and a book, computers and phones were seized (see F18News 26 June 2014 http://www.forum18.org/archive.php?article_id=1972).

The First Deputy Chair of the Crimean branch of the FSB security service, R. Ibragim, described the raid to Forum 18 on 7 July as an "inspection of the premises". He claimed the raid had been carried out "in strict conformity" with the Russian Law on Operational Investigative Activity.

The Muftiate compiled a 30-page dossier documenting their complaints about the way the raid had been conducted and sent it to the Prosecutor-General's Office in Moscow in late July. "We collected all the documents, as well as testimony from eyewitnesses to the raid and parents of the students," the Muftiate's lawyer Ibraim Kaimakan told Forum 18 on 26 August. "We have received no reply."

Forum 18 was unable immediately to reach anyone at the Prosecutor-General's Office in Moscow to find out what response it will be sending to the Muftiate.

"Those conducting the raid claimed it had all been done in accordance with the law," Kaimakan complained to Forum 18. "But they're just showing their power – they can do whatever they want."

More raids

Next to be raided were the Azovskoe men's and women's madrassahs in the village of Maiskoe in Dzhankoi District of northern Crimea, as well as the Gvardeiskoe madrassah. Numerous religious books were confiscated from the Azovskoe madrassah.

On 13 August, three further raids took place on Muslim colleges in Simferopol District, Bairov told the local media. The FSB security service, police, Prosecutor's Office, Fire Service, Sanitary Epidemiological Service and Educational Services (among others) raided the Educational Centre, the women's madrassah in Kamenka and the Seit Settar madrassa in Simferopol.

Bairov said the main aim of the raids was to uncover religious literature on the Federal List. In one of the colleges, three books on the Federal List had been found and confiscated. He lamented that the raids had been conducted without warning and during the college holidays when many staff members were away.

On 19 August, five or six armed and masked officers raided the home of the Muslyadinov family in Bakhchisaray District, a friend of the family Nariman Memedeminov wrote on his Facebook page the following day. Police claimed to have been looking for a car radio stolen six months earlier. However, officers claim to have found a pistol (which Memedeminov implied had been planted) and "banned" religious literature.

On the morning of 21 August, FSB security service, police and Prosecutor's Office officials raided the madrassah attached to the mosque in the western Crimean town of Saki. "They examined the literature, apparently looking for banned books, but found nothing. They checked the legal documents for the building, applications from parents and contracts," Sherif Osmanov of the inter-ethnic relations department of the town council told the Caucasian Knot website on 26 August. "They found no violations - the only thing was they recommended drawing up work contracts for the teachers." He expressed the frustrations of many local Muslims who point out that as the activity of such madrassahs is open, such raids are "unpleasant and incomprehensible".

The Muftiate's headquarters in central Simferopol were also raided, its lawyer Kaimakan told Forum 18. He said several religious books were seized and a record was drawn up.

First known prosecution

Following the raid on the Azovskoe madrassah and seizure of religious literature, Prosecutor Andrei Oliyari of Dzhankoi Inter-district Prosecutor's Office brought an administrative case against Bairov under Russian Administrative Code Article 20.29. This punishes "Production or distribution of extremist materials" with a fine or imprisonment of up to 15 days and confiscation of the banned literature.

The 33-year-old Bairov – whose secular name is Ruslan Bairov – is in charge of all education within the Muftiate.

The case was handed to Dzhankoi District Court on 19 August, but Judge Larisa Kuznetsova had to send back the case to the Prosecutor's Office because it had not been properly formulated, the court chancellery told Forum 18.

The case was returned to court on 26 August. That same day Judge Kuznetsova found Bairov guilty under Article 20.29, the court chancellery told Forum 18. She fined him 2,000 Russian Roubles (750 Ukrainian Hryvnas, 350 Norwegian Kroner, 40 Euros or 55 US Dollars), the minimum fine under this Article for an individual acting in their official capacity.

A 26 August statement on the Crimean Prosecutor's Office website noted that in addition to the fine, the court ordered that the religious books be confiscated. The statement - which did not name Bairov - also noted the role of the Crimean branch of Russia's FSB security service in the prosecution.

The Judge's assistant refused to put Forum 18 through to her, or to comment on the case.

Prosecutor Oliyari, who was present in court, told Forum 18 that Bairov "completely recognised his guilt".

Oliyari (who was in post before the Russian annexation of Crimea in March) described the raid on the madrassah as an "inspection". He refused to say what confiscated books had been the basis for the prosecution. "It was such a long list," he told Forum 18. "Just to read it would take 15 or 20 minutes." He also refused to say where the confiscated books are now being held or what will happen to them. "This is a secret of the investigation." He then put the phone down. (END)

Reports on freedom of thought, conscience and belief in Crimea can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=86>.

A printer-friendly map of the disputed territory of Crimea, whose extent is not marked, can be found in the south-east of the map entitled 'Ukraine' http://education.nationalgeographic.com/mapping/outline-map/?map=Ukraine&ar_a=1.

Reports and analyses on freedom of thought, conscience and belief in Russia within its internationally-recognised territory can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=10>.

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