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RUSSIA: Police search publisher of controversially banned Islamic book

By Geraldine Fagan, Forum 18 (<https://www.forum18.org>)

The Moscow-based publisher of "The Personality of a Muslim" by Arab theologian Muhammad ali Al-Hashimi, placed in December 2007 on the list of banned extremist literature, is now facing criminal prosecution. Aslambek Ezhayev told Forum 18 News Service the Economic Crimes Police searched the publishing department offices at Moscow's Islamic University for six hours on 8 October. "But it was clear from the beginning that they weren't really looking for anything financial." Computers and books were seized. The accounts were then deemed in order, but the materials passed to the Prosecutor's Office for the criminal case. The Prosecutor's Office refused to talk to Forum 18. Ezhayev complains of the way books are put on the banned list by local courts without the possibility of challenging their verdicts: "a book can't defend itself". Andrei Sebentsov, vice-chair of the government's Commission for Issues Concerning Religious Associations, told Forum 18 federal officials cannot act: "The executive cannot interfere with the judiciary." Fighting two separate attempts to ban their literature, the Jehovah's Witnesses are among the latest targets of the widening religious extremism allegations.

The director of a Moscow Islamic publishing house subjected to a six-hour police search on 8 October has hit back at religious extremism allegations against him to Forum 18 News Service. "We try to explain to Muslims attracted to violence that they need knowledge instead," Aslambek Ezhayev explained to Forum 18 at the still-jumbled offices of Moscow Islamic University's publishing department on 15 October. "We give lectures and use the internet to try to draw youth away from that."

In May 2008 a criminal case was opened against Ezhayev for incitement to religious hatred (Article 282, Part 1 of the Criminal Code). His publishing house, Ummah, published an edition of "The Personality of a Muslim" by Arab theologian Muhammad ali Al-Hashimi, added to Russia's Federal List of Extremist Materials on 29 December 2007 (see F18News 17 July 2008 http://www.forum18.org/Archive.php?article_id=1160).

Ezhayev heads both the University's publishing department and Ummah. "The Personality of a Muslim" is a manual of Koran-based advice for living whose sole emphasis is on kindness and generosity, including towards non-Muslims (see F18News 1 February 2008 http://www.forum18.org/Archive.php?article_id=1080).

Six plainclothes representatives of the Economic Crimes Police conducted a six-hour search of the University's publishing department on 8 October. Displaying a search warrant from the investigative committee of Moscow's South-East District Public Prosecutor's Office, they were polite and said they had come to check accounts, Ezhayev told Forum 18. He pointed to bare desks from which the officers took four computers, approximately 50 CDs of computer data and printed layouts of forthcoming titles. Fifty books in Russian, 34 in Arabic, one in German and one in Turkish were also confiscated.

Not understanding the content of the Arabic texts, the officers appeared to select books according to their covers and illustrations, Ezhayev suggested to Forum 18: "Whatever looked extremist to them, I suppose." One, with a volcano on the front cover, was in fact a geography textbook for sixth-grade (13-year-old) schoolchildren.

Three days after the search, the Economic Crimes Police informed Ezhayev that the accounts were in order and returned them. At its request, however, they handed the South-East District Public Prosecutor's Office the remaining confiscated material as evidence for the criminal investigation, Ezhayev told Forum 18. "But it was clear from the beginning that they weren't really looking for anything financial."

A spokesperson for Moscow's South-East Public Prosecutor's Office declined to comment to Forum 18 on 20 October.

The search is the blind consequence of the "bureaucratic machine" which sprung into action after "The Personality of a Muslim" was entered onto the Federal List of Extremist Materials, Ezhayev believes. "They don't look into who or what is involved." First, a bookseller in the Russian republic of Bashkortostan was fined for selling Ummah's edition of "The Personality of a Muslim" in early 2008, he said. The republic's Public Prosecutor's Office evidently then informed their Moscow colleagues, who opened the criminal case.

In the city of Saratov, October District Court similarly fined the manager of a bookshop stocking two copies of "The Personality of a Muslim" 2,000 roubles (521 Norwegian Kroner, 59 Euros or 73 US Dollars) for production and distribution of extremist materials (Article 20.29 of the Administrative Violations Code), Interfax Russian news agency reported on 26 August.

Ezhayev points out that Ummah's edition of "The Personality of a Muslim" was published before the work was ruled extremist by Buguruslan City Court (Orenburg Region) on 6 August 2007. He added that he stopped distributing the book as soon as it was officially announced as being on the Federal List of Extremist Materials by Rossiiskaya Gazeta national newspaper in December. The work is the only one of Ummah's approximately 100 titles to appear on the List, Ezhayev stressed to Forum 18: "In 2003 we even got an award from the Council of Muftis."

Ezhayev criticised the procedure for outlawing extremist materials as set out in Article 13 of the 2002 Extremism Law. Typically, he said, a local public prosecutor's office refers a suspect work to a low-level court. The court then secures the necessary expert testimony, rules the work extremist and informs the federal authorities of its verdict: "It's terrible for publishers, as they don't invite a third party to the court cases, and a book can't defend itself." Until subsumed by the Justice Ministry in July 2008, the Federal Registration Service would then enter the title onto the Federal List of Extremist Materials banned throughout Russia.

With the demise of the Federal Registration Service, the Justice Ministry now compiles the List, a spokesman there confirmed to Forum 18 on 20 October. Currently featuring 267 items, the latest, 22 September instalment contains no religious texts.

It has so far proved difficult to fight bans on Islamic literature. According to Ezhayev, his lawyer Sergei Sychev was told by a Buguruslan City Court representative that only an interested party could challenge its decision: the author or publisher. In the case of "The Personality of a Muslim", pointed out Ezhayev, the author died in 2007 and the Ibrahim Bin Abdul Aziz Ibrahim Russian Foundation - the publisher of the edition banned by the court - is now defunct. Strictly speaking, an appeal should also have been made within ten days of the 6 August 2007 decision, he continued, "but no one knew anything about it" until the 16 titles it banned were added to the Federal List of Extremist Materials in December.

A lawyer in Russia's Udmurtia Republic, Rustem Valiullin took initial steps to challenge the Buguruslan City Court decision in January 2008, but was similarly told by court representatives that he could not view case materials as he was not party to the case. On 7 February Valiullin filed a complaint with the European Court of Human Rights, Portal-Credo Russian religious affairs website reported. Buguruslan City Court's decision was not officially released until June 2008.

Senior presidential administration official Aleksei Grishin called for a special expert council to fix criteria for the addition of Islamic books to the Federal List of Extremist Materials on 27 June, according to Interfax news agency. This would prevent court decisions banning Islamic books from raising doubts or "complicating Russia's relations with the Islamic world," he reportedly told a seminar on language, culture and religion at Moscow State Linguistics University. Aside from Grishin's comments, however, Ezhayev told Forum 18 he is unaware of concern about the situation on the federal level, "and it isn't a priority right now, what with the Georgia conflict and the economic crisis."

Asked whether anyone in the presidential administration or government is concerned about Islamic literature controversially entered onto the Federal List of Extremist Materials, Andrei Sebestov, vice-chair of the government's Commission for Issues Concerning Religious Associations, maintained to Forum 18 on 20 October that federal officials cannot act. "The executive cannot interfere with the judiciary," he explained. "An interested party may appeal through the courts."

What, asked Forum 18, if those considered by the courts to be interested parties are deceased or defunct, as with "The Personality of a Muslim"? In that case, Sebestov acknowledged, it is currently not possible to do anything. However, a relevant bill is currently being worked upon which would amend the laws on social and non-commercial organisations, he told Forum 18. Due to be presented to parliament in early 2009, it would allow such organisations to make court appeals on behalf of an undetermined group of individuals. "So a social organisation promoting Islamic heritage, say, could challenge a ban on an Islamic book."

On 30 September a parliamentary hearing discussed separate proposals to amend various laws, including the 1997 Religion Law, in order to "make activity aimed at combating extremism more effective," Patriarchia.ru Russian Orthodox website reported. Proposed by the Public Prosecutor's Office, they were received negatively by a number of key figures, however. Representing the Russian Orthodox Church (Moscow Patriarchate), Bishop Amvrosi (Yermakov) of Bronnitsy was particularly critical of suggestions to create a federal body for religious affairs and regulate more strictly registered professional education programmes run by religious organisations.

Raising similar objections in NG-Religii religious affairs newspaper supplement on 15 October, Stepan Medvedko, a consultant to the parliamentary Committee for Religious and Social Organisations, pointed out that extremist groups do not register with the state in any case, and suggested that the proposed amendments would be used as an instrument "to punish undesirable organisations".

Judging by the Islamic literature already entered onto the Federal List of Extremist Materials, Ezhayev suggested to Forum 18 that there is a tendency to ban works due to their publisher rather than content. Most were produced by the now defunct Ibrahim Bin

Abdul Aziz Ibrahim Russian Foundation or Badr publishing houses, he said: "Saudi Arabia supported them, so they are assumed to be Wahhabi."

"Wahhabism" is a loose term for Islamic extremism commonly used in Russia and Central Asia. Formally, it refers to Sheikh al-Wahhab, whose teachings form the religious basis of the present-day kingdom of Saudi Arabia (see F18News 8 August 2007 http://www.forum18.org/Archive.php?article_id=1004).

Ezhayev also remarked to Forum 18 that he would not ban "The Personality of a Muslim" or other Islamic books currently on the Federal List of Extremist Materials, as "Islamic literature is always based on the Koran and Sunnah, so what's in those books is in others. It could easily result in the Koran or collections of hadiths [sayings attributed to the Muslim prophet Mohammed] being banned, if that is what the authorities want."

Handed a list of the 16 Islamic publications banned by Buguruslan City Court, leading Moscow-based Islam specialist Aleksei Malashenko similarly exclaimed to Forum 18 on 16 July: "It is stupidity to prohibit all these books. If you prohibit the life of Sheikh Muhammad ibn Abd al-Wahhab, then you must prohibit all of Lenin's books and articles, immediately!" Asked if any of the titles supports terrorism, Malashenko replied that, "If you say this, then every book, including the Bible, may be called pro-terrorist. The problem is not the books, but one of commentary - how they are used" (see F18News 17 July 2008 http://www.forum18.org/Archive.php?article_id=1160).

The FSB security service and Public Prosecutor's Office representatives confiscated "The Personality of a Muslim" and a number of other theological works during a late 2002 check-up on Rakhman Muslim organisation in the Urals city of Yekaterinburg. On that occasion, academics from the city's Urals State University were unable to find anything in the publications which could form the basis of a criminal case (see F18News 14 September 2004 http://www.forum18.org/Archive.php?article_id=410).

Currently fighting two separate attempts to ban their literature, the Jehovah's Witnesses are among the latest targets of the widening religious extremism allegations. In July, Rostov-on-Don Regional Court ruled that a team of specialists should conduct a new expert analysis of their tracts as a previous local study was not sufficiently authoritative to form the basis of a court ban, Yaroslav Sivulsky of the Jehovah's Witnesses' St Petersburg headquarters told Forum 18 on 17 October (see F18News 14 July 2008 http://www.forum18.org/Archive.php?article_id=1159).

In Yekaterinburg Region, a criminal investigation begun in June is still ongoing, having twice been extended, said Sivulsky. There too a new expert literary analysis has been commissioned and its negative conclusion would form a basis for prosecution, he confirmed to Forum 18. A swift resolution is not expected, however. Judging by the court investigation – which lasted years – that culminated in the 2004 ban on the Moscow Jehovah's Witness organisation, suggested Sivulsky, any expert analysis could take "a very long time". (END)

For a personal commentary by Irina Budkina, editor of the <http://www.samstar.ru> Old Believer website, about continuing denial of equality to Russia's religious minorities, see F18News 26 May 2005 http://www.forum18.org/Archive.php?article_id=570.

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

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 printer-friendly map of Russia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=russi>.

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