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RUSSIA: Has "madness" of banning religious publications been stopped?

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

On 20 December 2011, Russia's Ambassador to India Aleksandr Kadakin agreed with widespread Indian outrage at attempts by prosecutors in the Siberian city of Tomsk to declare the book the Bhagavad-Gita As It Is "extremist". "It is not normal either when religious books are sent for examination to ignorant people," Kadakin added, describing those seeking to ban the work as "madmen". Eight days later a Tomsk court finally rejected the prosecutor's suit. Yuri Pleshakov of Moscow's Hare Krishna community welcomed the ruling. "I hope the authorities will learn their lesson and that the case can now be forgotten," he told Forum 18 News Service. However, the prosecution case to ban a further Jehovah's Witness work resumes in court in Krasnodar Region on 16 January. 68 Jehovah's Witness publications and 15 works of the late Turkish Muslim theologian Said Nursi have already been ruled "extremist" and placed on the Federal List of Extremist Materials, making it illegal to distribute or store them for distribution.

A court in the Siberian city of Tomsk has rejected the Prosecutor's Office suit to have the Russian translation of the Bhagavad-Gita As It Is – a key book for Hare Krishna devotees – declared "extremist" and banned throughout Russia. However, it is not yet known if prosecutors will appeal against the ruling. Before the court issued its 28 December 2011 decision, Russia's Ambassador to India Aleksandr Kadakin described those who initiated the case as "madmen" and insisted "this madness should be stopped". However, moves to ban religious works on similar grounds continue, including in Krasnodar Region, Forum 18 News Service notes.

Also in December, Altai Republic Supreme Court overturned the criminal conviction by a lower court of Jehovah's Witness Aleksandr Kalistratov (see F18News 10 January 2012 http://www.forum18.org/Archive.php?article_id=1653).

Kalistratov had been found guilty on "extremism"-related charges in Gorno-Altai on 3 November 2011 after a second trial (see F18News 2 December 2011 http://www.forum18.org/Archive.php?article_id=1642).

However, Forum 18 notes that attempts continue to prosecute more religious believers on "extremism"-related accusations (see F18News 10 January 2012 http://www.forum18.org/Archive.php?article_id=1653).

Bans and censorship

The attempted ban on the Bhagavad-Gita As It Is would have been the first time a work of the Hare Krishna community had been declared "extremist". A total of 68 Jehovah's Witness publications, as well as 15 Russian translations of the works of the late Turkish Muslim theologian Said Nursi, have already been ruled "extremist" and placed on the Federal List of Extremist Materials, making it illegal to distribute or store them for distribution. Other works on the Federal List include the Russian translation of Adolf Hitler's book Mein Kampf (see eg. F18News 21 June 2011 http://www.forum18.org/Archive.php?article_id=1582).

In November 2011, the state authorities stepped up blocking of Jehovah's Witness websites, while questions remain about why a private company in Penza, NSS, suddenly broke off a contract with the Hare Krishna community to distribute sms messages (see F18News 2 December 2011 http://www.forum18.org/Archive.php?article_id=1642). Despite promises to do so, NSS staff had not answered Forum 18's questions by 5 January as to whether the company had decided itself to cancel the contract or whether this had been ordered by a court or a state agency.

Hare Krishna book "not extremist"

On 28 December 2011, Judge Galina Butenko of Tomsk's Lenin District Court rejected the prosecutor's suit to have the third Russian edition of the Bhagavad-Gita As It Is ruled extremist. "During the [28 December] court session," the court website noted the following day, "the decision part of the ruling was announced. The basis of the refusal to satisfy the suit will be set out in the reasoned part of the court ruling, which will be prepared on 2 January 2012. Participants in the case will be able to receive a copy of the court ruling in final form on 10 January 2012."

Because of the New Year and Christmas holidays in Russia, Forum 18 was unable to reach the office of Tomsk Prosecutor Viktor Fedotov, who brought the suit. However, on 29 December 2011 an unnamed official of the Regional Prosecutor's Office told Interfax-Religion that as the basis on which the court had rejected the suit is not yet known, it was unable to say if it would appeal. Only once the full ruling had been issued on or after 10 January would it be possible to say, the official added.

Welcoming the court ruling was Yuri Pleshakov of Moscow's Hare Krishna community, who has closely followed the case. "We are likely to see the full ruling only after the country wakes up after the holidays on 10 January," he told Forum 18 from Moscow on 4 January. "Although it is not clear on what basis the court reached its decision, we welcome it. We're pleased that this attempt to harm the rights of religious believers failed."

Pleshakov insisted that his community regards the attempt to ban the book as a "mistake" by officials. "I hope the authorities will learn their lesson and that the case can now be forgotten."

Similarly insisting that the authorities need to learn their lesson from the court outcome was Russia's Ombudsperson for Human Rights Vladimir Lukin, who took a close interest in proceedings. He told Interfax-Religion on 29 December 2011 that the whole case was an "unpleasant story" and described the Prosecutor's suit as "very strange". "The struggle with terrorism is a struggle with real terrorist planning and creation of groups, and not with the interpretation of ancient holy books, of whatever faith they might belong to," he added.

Controversy

The attempt to ban the Bhagavad-Gita As It Is aroused great controversy in Russia and internationally. The book is a Russian edition of a translation by Swami Prabhupada, founder of the International Society for Krishna Consciousness. An "expert analysis" completed in October 2010 by three academics at Tomsk State University at the request of FSB security service officer Dmitry Velikotsky found that the book "contains signs of incitement of religious hatred and humiliation of an individual based on gender, race, ethnicity, language, origin or attitude to religion".

Fedotov, Tomsk's Prosecutor, asked Lenin District Court to find the book extremist and send its ruling to the federal authorities in Moscow, so that it could be included in the Federal List of Extremist Materials and banned throughout Russia.

The case began at Lenin District Court on 12 August 2011, but was suspended after the fourth hearing on 30 August when the Court controversially ordered a new "expert analysis" by three "specialists" of Kemerovo State University. This "psychological/religious studies/linguistic expert analysis" – for which the authors were paid from state funds - was presented to the court on 15 December, its website notes.

At the 19 December 2011 hearing, it became known that one of the Kemerovo "experts" had not found evidence of extremism in the book, though the two others said they had.

Tomsk regional Ombudsperson for Human Rights Nelli Krechetova asked for a statement to be included in the record. Stressing that she was not simply defending the interests of the local Hare Krishna community but of the rights to freedom of religion or belief guaranteed in Russia's Constitution, she condemned the case as "absurd". She said holy books of the world religions should not be subject to court hearings as to whether they are "extremist".

"Secondly, a possible ban on a book and subsequently a ban on the religious activity of those who honour it violate citizens' rights to freedom of conscience and belief and freedom of speech." Krechetova pointed out that no extremist activity initiated by this book had been seen in Russia.

Russia's Ombudsperson Lukin also requested that his representative be allowed to participate, which was granted. The case was then adjourned until 28 December.

The final 28 December 2011 hearing was brief. Judge Butenko rejected the prosecution move to change the formulation of the accusation, and rejected the defence move to commission a new "expert analysis". After withdrawing for half-an-hour, she returned to announce that she was rejecting the prosecution suit.

Handling Indian outrage

The case aroused fierce condemnation in India, with senior politicians raising the issue with their Russian counterparts.

Kadakin, Russia's Ambassador in New Delhi, was especially outspoken, describing the attempts to ban the book as "sad". In a 20 December English-language statement posted on the Russian Embassy website, he claimed Russia respected the scriptures of all faiths and described it as "categorically inadmissible when any holy scripture is taken to the courts". "It is not normal either when religious books are sent for examination to ignorant people," he added. "Their academic scrutiny should be done at scientists' fora, congresses, seminars, etc but not in courts." He even described those seeking to ban the work in Tomsk as "madmen".

Ambassador Kadakin went further in an interview with the Indian English-language television station CNN-IBN broadcast the same day. He welcomed the outrage expressed in the Indian Parliament and said that "our two governments should not allow such things to happen". He also welcomed pressure from Human Rights Ombudsperson Lukin, though he claimed that Russian courts are independent. He repeated his earlier description of those initiating the case as "madmen", adding that "this madness should be stopped".

The transcript and a link to the video of the interview were posted to the Russian Embassy website. However, Forum 18 could find no Russian-language text of Ambassador Kadakin's comments on the website.

On 20 December, Russian Embassy Senior Counsellor Sergei Karmalito told the Indian ANI television channel that it was "very regrettable" that the "local controversy in the city of Tomsk" had reached the court. He denied that the court had been intending to ban the book. "You can't ban any sacred text," he claimed (although that would have been the case had the book been declared "extremist").

However, in a 22 December Foreign Ministry briefing in Moscow, of which a transcript was posted on the Ministry website, spokesperson Aleksandr Lukashovich claimed that the Tomsk case was directed not at the Bhagavad-Gita as such. He said it was directed at Swami Prabhupada's commentaries to his translation of it "which were considered to fall under the scope of Article 13 of Russia's Federal Law on Countering Extremist Activity".

Lukashovich then added that the case was also directed at Swami Prabhupada's "inadequate" translation of the original text, "the double translation of which suffers from distortions of meaning". He gave no evidence for his claims of any "distortions", nor did he explain why it was the role of the Foreign Ministry to determine whether a translation of a religious book is accurate or not.

Who inspired banning attempt?

While the Lenin District Court proceedings made clear that the FSB security service had initiated the 2010 "expert analysis" of the Bhagavad-Gita As It Is, regional FSB officials insisted to Forum 18 in August 2011 that it had played "no role" in the case and that the Prosecutor's Office had been behind the suit. The Tomsk Prosecutor's Office refused to tell Forum 18 in August 2011 who had decided to initiate the case (see F18News 10 October 2011 http://www.forum18.org/Archive.php?article_id=1623).

Internal government documents have revealed that moves against Jehovah's Witnesses and readers of the works of Muslim theologian Nursi are co-ordinated at a high state level. Both Jehovah's Witnesses and Nursi readers have been targeted in ways that suggest that their believers and communities are closely watched by the police and FSB security service - both within and outside their communities (see F18News 12 August 2010 http://www.forum18.org/Archive.php?article_id=1478).

In an analysis posted on his Livejournal blog on 2 January, Nikolai Karpitsky carefully reviewed all the evidence of possible initiators of the Tomsk case. Karpitsky - a philosophy lecturer at Siberian State Medical University in Tomsk, who is himself Russian Orthodox - took a close interest in the case on the side of the defence and attended hearings.

Karpitsky argues that despite evidence of FSB involvement, it is unlikely its officers would have initiated the case "unless they had an order from elsewhere". He also discounts the idea that the three Tomsk University "experts" who conducted the initial 2010 analysis were behind it, given their surprise that it would be used in court to try to ban the book and their renunciation of their analysis in court. He also rejects the idea that other academics could have been behind it.

Karpitsky notes that an order or team could have come from Moscow to oversee the case, but can find no evidence of this. He points out that the FSB security service kept secret the case between October 2010 and June 2011. He argues that had the FSB been following a secret instruction from Moscow to prepare the case for court it would not have allowed Maksim Stepanenko, the head of the Tomsk Russian Orthodox Diocese's Missionary Centre, to launch an attack on the book on 29 June 2011, one day before the prosecution case was handed to Lenin District Court. Stepanenko's extensive attack on quotes from the work closely paralleled the 2010 "expert analysis" which was not yet available to the court.

Karpitsky describes Stepanenko as "the remaining possibility" as the initiator of the case.

Stepanenko rejected such suggestions, attacking Karpitsky's analysis which he appeared to have read. "I didn't know there would be a court case about the book when I published my article," he told Forum18 from Tomsk on 5 January. He denied that he had any contacts with the FSB or the Prosecutor's Office. While welcoming the attempt to ban the book, he insisted he had learnt of the case from materials published on the internet by the Hare Krishna community. Stepanenko had put the phone down before Forum 18 could ask if he had access to the 2010 analysis before he published his June 2011 article.

Karpitsky also questioned why so much tax-payers' money had been devoted to the case to ban a religious work.

Jehovah's Witness ban case continues

Meanwhile, the suit to ban as "extremist" the Russian translation of "Bearing Thorough Witness About God's Kingdom", which is about the Acts of the Apostles, is due to continue at Uspensky District Court of Krasnodar Region in southern European Russia on 16 January, the court website notes.

The suit was brought by District Prosecutor Aleksei Yaroshenko, while the Krasnodar Region Justice Department is also a party to the case. Judge Olga Izrailova began hearing the suit on 25 November 2011 (see F18News 2 December 2011 http://www.forum18.org/Archive.php?article_id=1642).

In further hearings on 19 and 27 December, the judge rejected the Jehovah's Witness appeal to gain a further expert analysis of the book, while the case was again postponed because the Prosecutor's Office failed to provide necessary documentation.

Jehovah's Witnesses note that the book was the subject of an "expert analysis" by three academics from Kemerovo in May 2009, who found no elements of extremism in it. The same experts found many other Jehovah's Witness works to be "extremist" and this formed one of the bases for prosecuting Kalistratov in Gorno-Altaiisk (see F18News 1 December 2010 http://www.forum18.org/Archive.php?article_id=1516). (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 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.

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.

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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