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RUSSIA: "I've never encountered the practice of destroying religious literature before"

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

*Judge Patimat Dadayeva in Russia's North Caucasus republic of Dagestan has ordered up to 70 copies of translations of 15 different Islamic books, by the late Turkish Muslim theologian Said Nursi, to be destroyed. She refused to tell Forum 18 News Service why she ordered their destruction and refused to order other Islamic books seized from local Muslim Ziyavdin Dapayev to be returned. "This is blasphemy," Dapayev's lawyer Murtazali Barkayev told Forum 18. "I've never encountered the practice of destroying religious literature in Russia before." Four more works by Nursi were in March banned and placed on the Federal List of Extremist Materials. Courts in several places in Russia are also seeking to ban more Jehovah's Witness publications. Elsewhere, prosecutors in Tomsk have today (21 March) failed in their appeal against an earlier court decision rejecting their suit to have the book *The Bhagavad-gita As It Is* declared extremist. This text is the most important book for Hare Krishna devotees. Tomsk Regional Prosecutor's Office will decide whether to appeal against the latest decision once the Regional Court has issued its full written decision, spokesperson Svetlana Krimskaya told Forum 18.*

Patimat Dadayeva, the Judge in Russia's North Caucasian republic of Dagestan who ordered up to seventy copies of fifteen different books by the late Turkish Muslim theologian Said Nursi destroyed, refuses to say why she ordered their destruction or how it will be carried out. "There's a special procedure for this, but I don't have to explain it to you," she told Forum 18 News Service from Makhachkala's Lenin District Court on 21 March, two days after handing down her decision. She refused to say why she refused to order other Islamic books seized from local Muslim Ziyavdin Dapayev to be returned. "This is blasphemy," Dapayev's lawyer Murtazali Barkayev told Forum 18. "I've never encountered the practice of destroying religious literature in Russia before."

Meanwhile, prosecutors in the Siberian city of Tomsk have today (21 March) failed in their appeal against an earlier court decision rejecting their suit to have the book *The Bhagavad-gita As It Is* declared extremist.

Further moves are underway elsewhere to restrict access to religious literature the authorities dislike. Courts in several places in Russia are seeking a ban on named Jehovah's Witness publications, as prosecutors and their appointed "experts" insist they contain "extremist" sentiments.

"Extremism" accusations

Numerous lower court decisions have found – on highly questionable grounds – that Russian translations of the Islamic theological works of Nursi and Jehovah's Witness publications are "extremist" and so placed them on the Justice Ministry's Federal List of Extremist Materials (see "The battle with "religious extremism" - a return to past methods?" F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

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).

Several court decisions seen by Forum 18 in Jehovah's Witness cases order that publications on the Federal List seized from members in the course of cases should be destroyed (see F18News 10 October 2011 http://www.forum18.org/Archive.php?article_id=1623).

Prosecutions of individuals on "extremism"-related criminal charges have become common. Prosecutors have launched a criminal case against a group of Jehovah's Witnesses in Taganrog, where their community has already been declared illegal. And in Kaliningrad, the FSB security service prosecutor is seeking to force local Muslim Amir Abuev to undergo a compulsory psychiatric examination, which has worried him and his friends (see F18News 26 March 2012 http://www.forum18.org/Archive.php?article_id=1683).

Dagestan book-destruction decision

Nursi reader Dapayev has been seeking through the courts to recover Islamic literature confiscated from him. On 19 March, Judge Dadayeva of Lenin District Court ruled that about seventy copies of fifteen different titles by Nursi which are on the Federal List should be destroyed, Dapayev told Forum 18 from Makhachkala on 20 March. She ruled that 945 copies of books which are not on the Federal List – which Dapayev was hoping would be returned – are to be retained in the case files.

"I'm in shock at the decision," Dapayev told Forum 18. "At the initial discussion on 15 March, the judge had indicated that those which are not on the Federal List will be returned." He insisted he will do all he can to try to prevent the books by Nursi from being destroyed. "So far the judge has only given the decision verbally. As soon as we get the written verdict we have ten days to lodge an appeal to Dagestan's Supreme Court," he told Forum 18. "I intend to do so."

Barkayev, Dapayev's lawyer, told Forum 18 the judge did not indicate how the books are to be destroyed. He added that he does not know where the 945 books will be stored either.

Judge Dadayeva insisted that the approximately seventy books "will not be destroyed immediately", pointing out that her decision has not yet entered into force. "Nothing will happen until after the Supreme Court has ruled," she added.

Dapayev is currently serving a three-year suspended sentence on "extremism"-related charges. An earlier court had ruled in 2011 that all the books confiscated from him should be destroyed. However, another judge at Lenin District Court ruled in September 2011 that the books should be instead handed to Dagestan's Muslim Board "for a decision on the question of the destruction of the banned books and pamphlets". An aide to Russia's Human Rights Ombudsperson described the decision to Forum 18 as "incomprehensible" and the proposed destruction of the books as "sacrilege" (see F18News 10 October 2011 http://www.forum18.org/Archive.php?article_id=1623).

How are books destroyed?

Execution of court judgments in Russia is the responsibility of the Federal Service of Court Bailiffs, which is responsible to the Justice Ministry. Forum 18 was unable to find on its website laws or other regulations explaining how the destruction of literature ordered by a court is carried out.

Forum 18 asked the Justice Ministry and the Federal Service in Moscow separately in writing on 21 March to explain whether such literature is burnt, simply thrown into rubbish bins or destroyed in other ways. As of the end of the working day on 21 March it had received no response.

Tomsk appeal victory for Hare Krishna community

Human rights defenders and Russia's Hare Krishna community have welcomed the 21 March decision by Tomsk Regional Court to reject prosecutors' appeal against the lower court decision to have the third Russian edition of The Bhagavad-gita As It Is declared extremist. The work – a translation of and commentary on the ancient Sanskrit text by Swami Prabhupada, founder of the International Society for Krishna Consciousness – is a fundamental text for the Hare Krishna community. They feared that if the work was declared "extremist", bans on their communities might follow.

In December 2011, amid widespread Indian outrage, Russia's Ambassador to India Aleksandr Kadakin described those seeking to ban the work as "madmen". On 28 December 2011, Tomsk's Lenin District Court rejected the prosecutor's suit (see F18News 5 January 2012 http://www.forum18.org/Archive.php?article_id=1652).

The prosecutors' appeal against the December 2011 ruling was heard on 20 and 21 March by a panel of three judges led by Larisa Shkolyar at Tomsk Regional Court. Yelena Selezneva from the Regional Prosecutor's Office insisted to the court that all the "expert analyses" from Kemerovo and Tomsk "without exception" consider that the book contains extremist statements, local observer Nikolai Karpitsky, who attended the hearing, noted.

Marina Osipova of the Tomsk City Prosecutor's Office insisted to the Court that not the Bhagavad-gita per se but Swami Prabhupada's comments were under question. Karpitsky dismissed such claims – previously made by Russia's Foreign Ministry and General Prosecutor's Office – as "an attempt to misinform those present".

The ruling rejecting the prosecutors' appeal was met by applause in the court, Russia's Hare Krishna community declared. "I believe the decision is just and sensible," their lawyer Aleksandr Shakhov noted after the hearing. "I applaud both the Tomsk District and Regional Courts."

Will Tomsk prosecutors appeal?

Officials of Tomsk City Prosecutor's Office refused to put Forum 18 through on 21 March to its head, Viktor Fedotov, to Osipova who had led the case in both hearings, or anyone else.

Tomsk Regional Prosecutor's Office will decide whether to appeal against the latest decision only once the Regional Court has issued its full decision in writing, spokesperson Svetlana Krimskaya told Forum 18 from the Prosecutor's Office after the court hearing had concluded.

Krimskaya declined to comment on how the FSB – which did the preparatory work for the suit to be lodged – will react and whether it will instruct prosecutors on any next move. She also declined to comment on Ambassador Kadakin's characterisation of those seeking to ban *The Bhagavad-gita As It Is* as "madmen". "We work exclusively within the terms of the law," she insisted to Forum 18.

The telephone went unanswered at the Tomsk Regional FSB's press office. Forum 18 was thus unable to ask why it had intervened in the way local newspaper *Tomskaya Nedelya* had covered the case.

On 16 March, the paper ran an article by local journalist Zinaida Kunitsyna entitled "How did Tomsk become the centre of a worldwide scandal?", criticising the case to ban the book. The same issue of the paper also ran an anonymous commentary defending the case which was billed as "the Viewpoint of the Law Enforcement Agencies".

Tomskaya Nedelya's editor, Nikolai Grigoryev, told Forum 18 on 20 March that before the issue was published, Rustam Kamarov of the FSB press office had telephoned and visited his office to warn the paper not to run Kunitsyna's article. In discussion, Grigoryev insisted that they would run the article, but agreed to publish the view of the FSB alongside. "We did what we thought was reasonable," Grigoryev told Forum 18. "We ran one article in favour of the case and one against. They can't now complain as their viewpoint was heard."

More of Nursi's works placed on Federal List

March saw four more Russian translations of Nursi's works added to the Federal List, according to the Justice Ministry website. A book with a section of the *Risale-i Nur* (Messages of Light), which was declared extremist by Judge Natalya Kryukova of Central District Court of Krasnoyarsk on 29 December 2011, was added on 11 March. Three which had been declared extremist by Soviet District Court in Krasnoyarsk on 6 July 2011 were added on 16 March. These additions bring to 19 the number of Nursi's works now on the Federal List.

The July 2011 Krasnoyarsk decision followed a suit from the regional FSB, the Prosecutor's Office website declared on 8 July 2011. The December 2011 Krasnoyarsk decision was unknown to readers of the works of Nursi until the banned book appeared on the Federal List, one reader told Forum 18 on 12 March.

Banning moves continue

Moves continue to ban further Jehovah's Witness texts. On 24 January the Prosecutor in the village of Pristen in Kursk Region lodged a suit at Pristen District Court to have five texts ruled extremist. One of them – *What Happens to Us When We Die?* – had already been ruled not "extremist" at Rostov Regional Court in 2009, Jehovah's Witnesses told Forum 18.

The case began under Judge Yuri Starodubov, with the latest hearing on 14 March. The case is due to resume on 29 March, the court told Forum 18 on 21 March. A spokesperson for the Regional Court system told *Ria-Novosti* that the case is likely to last a month.

During court hearings, the prosecutor cited "expert analyses" by local scholars declaring a quotation in the booklet from the Spanish philosopher Miguel de Unamuno "extremist". Jehovah's Witnesses presented to the court expert analyses declaring that the booklet contained no extremist sentiments. The prosecutor asked for an adjournment.

"The situation has arisen where a decision by one Russian court to defend the rights of believers to use specific theological literature does not mean that another court will not ban them from doing so," Jehovah's Witnesses complained. One of their lawyers, Sergei Palagin, added: "It happens that if a Prosecutor's Office loses a case in one court it can almost endlessly appeal with the same demands to any of hundreds of other district courts in Russia. This renders pointless the defence of rights, illusory the adversarial essence of the judicial process, as well as facilitating legal nihilism in society and arbitrary action by officials."

FSB-initiated case

Like so many "extremism"-related cases, the Pristen case seems to originate with the FSB security service. On 2 June 2011 Mikhail Shishov, head of the Kursk FSB, ordered religious-studies and literary assessments from scholars at Kursk State University, according to the assessments seen by Forum 18.

Pristen District Prosecutor Artur Ivanov told Forum 18 on 21 March that the local FSB had received a report that literature was being distributed and conducted a check-up for "unapproved literature". He refused to explain what this term means or how the "check-up" was carried out.

Ivanov said the FSB then sought religious-studies and literary assessments from scholars at Kursk State University, which declared that the works contain calls to religious hatred and enmity and refusal for individuals to perform their civil obligations. He refused to specify what these were. Ivanov said he was familiar with the content of the Jehovah's Witness works. Asked if he was offended or frightened by their content if, as he contended, they contain calls to religious hatred and enmity, he repeatedly refused to say.

Both the duty officer and press officer Vladimir Kryshchopov at Kursk Regional FSB told Forum 18 on 21 March that they were not familiar with the hunt for "unapproved" religious literature in Pristen District, nor the "expert assessments" the FSB had sought on the Jehovah's Witness publications. The press officer also declined to say how often such hunts for "unapproved" religious literature take place in the Region.

Tver court case

In Tver's Central District Court, Judge Yelena Kadochnikova is hearing a suit brought by local prosecutors to ban a further Jehovah's Witness publication, Learn From the Great Teacher. Prosecutors initially sought to ban two works, but this was later reduced to one, Jehovah's Witnesses told Forum 18.

Prosecutors sought an assessment from a "specialist", Olga Vlasova, a lecturer in the Russian Language Department of Tver State University. She found that the book contains extremist material. "Parents are blackmailed by being told that without this book their children are in danger," she declared.

Jehovah's Witnesses note that teachers from the same Department have given earlier negative assessments of their publications.

"What is frightening is that in the present situation, any graduate of a philological faculty could present their own 'assessment', however prejudiced," said Igor Dmitriev, who is defending the Jehovah's Witness case in court, "and the Prosecutor's Office, without trying to investigate, could demand the inclusion of a work in the Federal List of Extremist Materials."

"Extremist" ruling overturned – but still on Federal List

Meanwhile, Jehovah's Witnesses have succeeded in overturning a court decision finding two of their booklets "extremist". On 15 February, a panel of judges chaired by Aleksandr Yemelyanov at Kemerovo Regional Court overturned the earlier decision and sent the prosecutor's suit for a new hearing, the court website noted.

The two booklets had been ruled "extremist" by Judge Natalya Ufimtseva at Kemerovo's Zavodsky District Court on 30 May 2011. Jehovah's Witnesses only found out about the case when the two booklets appeared on the Federal List on 18 July 2011. "Neither the Prosecutor's Office, nor the Court considered it necessary to bring the publisher into the case," their lawyer Vitaly Kuznetsov complained, "as if the Constitution did not exist in Russia guaranteeing everyone the right of equality before the law and the courts."

Despite the February 2012 ruling, the two brochures remain among the 68 Jehovah's Witness items on the Federal List as of 20 March.

Websites blocked, magazine imports banned

Prosecutors in a variety of Russian regions have gained court decisions ordering local internet companies to block access to several Jehovah's Witness websites in both Russian and English (see F18News 2 December 2011 http://www.forum18.org/Archive.php?article_id=1642).

In an early February decision in Chita, a court blocked access to the jw-russia.org website not because it contains publications on the Federal List, but because it has a link to the watchtower.org website which does, Jehovah's Witnesses complained to Forum 18.

Jehovah's Witnesses also lamented that since April 2010, they have not been able to import into Russia copies of their two main magazines, Watchtower and Awake!. The ban follows a 2010 decision by the Roskomnadzor state agency (see F18News 27 July 2010 http://www.forum18.org/Archive.php?article_id=1470).

Jehovah's Witnesses tried to challenge the decision through the Higher Arbitration Court in Moscow. The Court website records decisions in November 2010, February, June and October 2011 and February 2012. Despite these repeated hearings, Jehovah's Witnesses have been unable to overturn the April 2010 ban. (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>.

If you need to contact F18News, please email us at:
[f18news @ editor.forum18.org](mailto:f18news@editor.forum18.org)

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY