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RUSSIA: Muslims rush to challenge Koran "extremism" ruling

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

"It is a provocational decision – to destroy, and not just confiscate, the Holy Book of Muslims (...) and the court case and decision took ten minutes?!" Mufti Ravil Gainutdin of Russia's Council of Muftis wrote to President Vladimir Putin after a Novorossiisk court banned as "extremist" and ordered destroyed a widely-used Russian translation of the Koran. "Muslims are angered by this lawlessness." The secretary of Judge Gennady Chanov who issued the ban told Forum 18 he "does not give comments". Stressing that the copy of the Koran translation had not yet been destroyed, she refused to say who might destroy it, or how. Lawyer Ravil Tugushev has lodged an appeal. "Muslims' rights are being violated," he complained to Forum 18. Many Muslim, Jehovah's Witness and Falun Gong works have been banned as "extremist", with punishments for those who distribute them.

Russian Muslims are scrambling to challenge a 17 September court ruling determining "extremist" – and ordering the destruction of – the Koran as translated into Russian by Azerbaijani scholar Elmir Kuliyeu. Disturbed that "Muslims' rights are being violated," lawyer Ravil Tugushev posted his appeal six days after the ruling, he told Forum 18 News Service from Marx (Saratov Region) on 25 September. "I'd say about a quarter of all [Koranic] translations that people have are Kuliyeu's."

Forum 18 has found no significant difference between Kuliyeu's translation of the Koran and others, including one approved by people who have greeted the 17 September ruling (see F18News 1 October 2013 http://www.forum18.org/archive.php?article_id=1881).

Ten-minute hearing

Kuliyeu's translation of the Koran was ruled "extremist" and its destruction ordered by October District Court in the Black Sea port of Novorossiisk (Krasnodar Region). The port's Transport Prosecutor filed the case after the book was found in a parcel during a customs search at the main post office, according to the decision, seen by Forum 18.

The case was decided in a single hearing lasting just ten minutes on the morning of 17 September. The written ruling – produced the same afternoon – notes that "no objections were received". This is not surprising, as the only participants in the case were Judge Gennady Chanov and Transport Prosecutor representative Oksana Zotova. As an "interested party" – expected to defend the work – the Court invited not the author or publisher, but a representative of another state organ – Krasnodar Regional Justice Department (who did not turn up).

Judge Chanov based his ruling on a 6 May 2013 "investigative report" [spravka ob issledovanii] – not, as in many other "extremism" cases, an "expert" analysis conducted by at least nominally independent academics. According to Novorossiisk news website nrnews.ru, this report was compiled by a forensic centre attached to Krasnodar Regional Police Department.

The ruling does not give any concrete examples of "extremism" from Kuliyeu's translation. Yet it agrees with the investigative report that the work contains "statements about the superiority of Muslims over non-Muslims on the basis of attitude towards religion"; "negative evaluation of persons who have nothing to do with the Muslim religion"; "positive evaluation of hostile actions by Muslims against non-Muslims", and statements inciting Muslims to commit hostile and violent acts against non-Muslims.

State response

Reached at October District Court on 26 September, a secretary said that Judge Chanov was busy, but promised to put Forum 18 through to him later that afternoon. However, when Forum 18 called back at the appointed time, the secretary insisted the judge "does not give comments". Stressing that the copy of Kuliyeu's work had not yet been destroyed, she refused to say who might destroy it, or how. She then remarked that the Court had "many cases" and put the phone down.

Also on 26 September, the Court's chancellery refused to confirm whether any appeals had been lodged against the ruling, on the grounds that Forum 18 was "not a party to the case".

The telephone of Transport Prosecutor representative Zotova went unanswered whenever Forum 18 rang on 26 September. Cited on

21 September, she insisted to Rossiiskaya Gazeta that the ruling was against an individual's translation of the Koran, and not the Koran itself.

Also on 21 September, Zotova told Ekho Moskvyy radio station that Kuliyeve's translation had been ruled "extremist" because it contains "statements favouring, in particular, Muslims over Christians; precisely their dominant role over other religions and nations is expressed, their superiority over other races".

Appeals

The October District Court ruling states that it may be appealed within one month, or by 17 October. If it is accepted, the lawyer Tugushev believes his appeal - posted to the Novorossiysk court from Marx on 23 September - will be forwarded to Krasnodar Regional Court in early October. In that case, he told Forum 18, a hearing should be scheduled at the Regional Court some time after 17 October.

Posted on his personal blog, the text of Tugushev's appeal objects that the ruling violates Russia's constitutional guarantees of the right to freedom of religion and belief. "Many indigenous Muslims of the Russian Federation do not know Arabic, and so read translations of the Koran (...) including Kuliyeve's translation," Tugushev explains. Consequently, October District Court's decision raises the possibility of "a future ban on other translations of the Koran, as well as on the Koran in Arabic, and thus a ban on Islam on the territory of the Russian Federation."

Characterising as "blasphemous" the order that the text be destroyed, Tugushev warns that it "could arouse a wave of discontent among Muslims; provoke a wave of inter-confessional discord."

The telephones of both Kuliyeve, a scholar of Islam who works at the Institute of Strategic Studies of the Caucasus in the Azerbaijani capital Baku, and Murad Musayev, a Moscow-based lawyer preparing a separate appeal against the Novorossiysk ruling on Kuliyeve's behalf, went unanswered whenever Forum 18 rang on 25 and 26 September.

Speaking to Forum 18 in July 2012 after another of his works was ruled "extremist" (see below), Kuliyeve insisted that everything he does and believes is "far from extremism". He also criticised the addition of numerous Islamic titles to Russia's Federal List of Extremist Materials - including works of "world cultural heritage" - as "wide-ranging religious censorship" (see F18News 30 July 2012 http://www.forum18.org/archive.php?article_id=1726).

Quoted by Gazeta.ru website on 20 September 2013, the lawyer Musayev argued that "there is no Scripture in which preference is not given to adherents of God over atheists, adherents of a concrete religion over others, whether the Old Testament, the New Testament or the Koran. That means, according to the court's logic, that any religious scripture can be banned - that doesn't correspond very well with freedom of confession."

In an open letter to President Vladimir Putin on 20 September, Mufti Ravil Gainutdin of Russia's Council of Muftis called for a review of the case "following due process" and involving expert assessment by Islamic specialists. "It is a provocation decision - to destroy, and not just confiscate, the Holy Book of Muslims (...) and the court case and decision took ten minutes?! (...) Muslims are angered by this lawlessness."

Other bans, fines

Concern over Russia's mushrooming bans on Islamic literature - including texts with numerous Koranic quotations and collections of hadiths [sayings attributed to the Muslim Prophet Mohammed] became more acute following a March 2012 ruling by Orenburg's Lenin District Court against 68 Islamic titles at once, including Kuliyeve's "The Path to the Koran". All 68 have been entered onto the Federal List of Extremist Materials, and are thus banned from distribution throughout Russia.

One lawyer appealing against the Orenburg ruling, Nurzhigit Dolubayev, told Forum 18 on 25 September that there has been no development in the case, even though a repeat "expert" analysis of 42 of the texts ordered by Orenburg Regional Court had been expected in late August. Dolubayev earlier told Forum 18 that the remaining 26 titles are not being examined because the authorities destroyed the originals and are unable to find precise copies for analysis (see F18News 15 July 2013 http://www.forum18.org/archive.php?article_id=1858).

Of the 68 titles, those subject to repeat analysis include Said Wahf Al-Qahtani's "Fortress of the Muslim", which does not call for the violation of any human rights. The 26 not being re-analysed include a collection of hadiths by 13th-century imam an-Nawawi and Kuliyeve's "The Path to the Koran".

Meanwhile, prosecutions continue in connection with all three titles. On 11 September Salaman Khaibulayev, a prisoner, was found guilty of "production or distribution of extremist materials" (Code of Administrative Offences, Article 20.29) after he shared a copy of an-Nawawi's hadiths, Adygeya Republic Public Prosecutor's Office reported. He was fined 2,000 Roubles (370 Norwegian Kroner, 45 Euros or 60 US Dollars).

On 10 September Tatarstan Republic Public Prosecutor's Office announced that Marina Chumakova, the owner of a trading kiosk in the town of Menzelinsk, had also been fined 2,000 Roubles under Article 20.29 for stocking copies of Al-Qahtani's "Fortress of a Muslim": "To date, the extremist books have been destroyed."

On 13 August Belgorod Regional Public Prosecutor's Office announced that the text of Kuliyeu's "The Path to the Koran" had been deleted from a profile page on the Russian social network website VKontakte after a check-up by its representatives. The profile's owner – not identified – was also fined 1,000 Roubles under Article 20.29.

Kuliyeu's "The Path to the Koran" consists of eight chapters illustrating the role of the Koran with many quotations from it. The strongest instance of rare criticism of non-Muslims Forum 18 could find in the work is: "Not only pagans, steeped in ignorance and vice, but educated People of the Book – Jews and Christians – held erroneous views. They were well informed about scientific achievements of the day, many of which were later disproved. Unfortunately, many of these wrong ideas were reflected in their sacred texts."

As well as the edition of "The Path to the Koran" among the 68 Islamic texts ruled "extremist" in Orenburg Region, two more titles authored or co-authored by Kuliyeu appear on the Federal List. A brochure co-authored by Kuliyeu - "The Place of Zakat [Alms-giving] in Islam. The Significance for Muslims of Fasting during Ramadan" - was ruled "extremist" by Vladivostok's Frunze District Court in April 2009. A further edition of "The Path to the Koran" was determined "extremist" by Omsk's Kuibyshev District Court in July 2012 (see F18News 30 July 2012 http://www.forum18.org/archive.php?article_id=1726).

"Forcibly blocked"

Jehovah's Witness texts also continue to be targeted by law enforcement agents. On 12 September Jewish Autonomous Region Public Prosecutor's Office announced that Birobidzhan District Court had ruled "extremist" the Jehovah's Witness brochure "Good News From God" after an investigation by the local FSB security service. "The brochure is of a deliberately extremist nature as its contents aim to form negative impressions of other religious trends", the Office claimed.

On 7 August Tver's Central District Court ruled the Jehovah's Witness website jw.org "extremist" at the request of Tver Regional Public Prosecutor's Office. According to the decision on the Court's website, this was after FSB and Counter-"extremism" Police found the site to contain seven Jehovah's Witness texts on the Federal List of Extremist Materials. Similar to the case involving Kuliyeu's translation of the Koran, a representative of Tver Regional Police Department - not of the Jehovah's Witnesses – appeared in court as the only "interested party".

The Tver ruling – prepared on 12 August – states that it may be appealed within one month, or by 12 September. Jehovah's Witness representative Grigory Martynov told Forum 18 on 25 September that the ruling has not yet entered force. On 12 September, he explained, an appeal was filed by Watchtower Bible and Tract Society of New York, Inc., which holds the rights to the website.

Martynov told Forum 18 that the site is still accessible from St Petersburg, and Forum 18 found the same in Abakan (Khakassia Republic) on 11 September. Further east in Siberia, however, the site is already blocked in Ulan-Ude (Buryatia Republic). This is due to a ruling by that city's Soviet District Court, announced by Buryatia's Inform Polis newspaper in January 2012.

If access to the site is attempted from Ulan-Ude, a message appears explaining, "Dear Subscriber, access to the requested website has been forcibly blocked." Possible reasons given include entry onto Russia's registry of banned websites compiled by government agency Roskomnadzor, or onto the Federal List of Extremist Materials after a relevant court ruling. So far, jw.org has been added to neither of these. (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.

The Economist's review of Geraldine Fagan's book "Believing in Russia - Religious Policy after Communism" (Routledge, 2013) is available here <http://www.economist.com/news/books-and-arts/21571111-new-look-religion-post-1991-russia-question-faith>. The book's comprehensive overview of Russian religious policy argues that continuing failure to resolve the question of whether Russia is to be an Orthodox country with religious minorities or a multi-confessional state is destabilising the nation.

An analysis of the way that the Russian authorities have used the Pussy Riot case to intensify restrictions on freedom of religion or belief is at F18News 15 October 2012 http://www.forum18.org/Archive.php?article_id=1754.

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.

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