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RUSSIA: "Tired of the unjust treatment of the books, ourselves, and our loved ones"

By Victoria Arnold, Forum 18 (<https://www.forum18.org>)

Amid a crackdown on readers of the late Turkish Islamic theologian Said Nursi in Naberezhnyye Chelny in Tatarstan, two more were fined for involvement in an "extremist" organisation, Forum 18 News Service has learned. Nakiya Sharifullina and Laura Khapinova are now appealing against their criminal convictions. Naberezhnyye Chelny Court is also hearing a Prosecutor's Office suit to have 17 more of Nursi's books – plus a biography of him – seized during police raids banned as "extremist". The Prosecutor's Office refused to discuss the suit with Forum 18. On 21 March, the Russian government defended its 2010 ban on another Nursi publication in a case brought to the European Court of Human Rights by Krasnoyarsk Spiritual Administration of Muslims. The government response – seen by Forum 18 - insists that the ruling was "necessary". However, Jehovah's Witnesses have finally succeeded in having two of their brochures removed from the Federal List of Extremist Materials.

As appeal cases against convictions of Muslim readers of theologian Said Nursi's works continue in Naberezhnyye Chelny in Tatarstan, another defendant is now also under caution for allegedly running an "underground madrassah" connected with "Nurdzhular", a banned extremist organisation which Nursi readers deny exists. Prosecutors in the city are seeking to have another seventeen texts by the late Turkish Islamic theologian Said Nursi declared extremist and added to Russia's Federal List of Extremist Materials.

"We are tired of the unjust treatment of the books, ourselves, and our loved ones," a Nursi reader remarked to Forum 18 from Naberezhnyye Chelny on 2 April. "We do not understand what they want from us."

Two Jehovah's Witness texts have, however, recently been removed from the list after a protracted court case (see below).

Naberezhnyye Chelny fines and warning

Nakiya Sharifullina and Laura Khapinova were found guilty at Naberezhnyye Chelny Magistrates' Court No. 24 on 19 March of breaking Criminal Code Article 282.2, Part 1 and Part 2 respectively ("Organisation of" or "participation in" "the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity"), the court website notes. Judge Yekaterina Pypina fined them 100,000 Roubles (16,500 Norwegian Kroner, 2,000 Euros or 2,800 US Dollars) and 50,000 Roubles respectively.

The two women appealed against their convictions, but no date has yet been set for them to be heard, a fellow Nursi reader told Forum 18 from Naberezhnyye Chelny on 9 April.

Sharifullina was also warned on 10 January for allegedly organising an "underground madrassah" for women to study Nursi's works. The warning, issued by the Naberezhnyye Chelny Prosecutor's Office, states that unless she ceases her "illegal" activity, she may be prosecuted, a Nursi reader in the city told Forum 18 on 9 April.

Sharifullina appealed against the warning unsuccessfully at Naberezhnyye Chelny City Court on 4 February, according to the decision seen by Forum 18. On 3 April Tatarstan's Supreme Court in Kazan upheld the lower court's decision, the Court website notes.

A fellow Nursi reader told Forum 18 on 2 April that they believe Sharifullina's appeal hearing at Tatarstan's Supreme Court was deliberately scheduled to clash with that of the Naberezhnyye Chelny Prosecutor's attempt to have more Nursi books deemed "extremist" material, also on 3 April. This left Sharifullina without a lawyer in Kazan.

The 4 February City Court verdict turning down the appeal describes the "inadmissibility of extremist activity involving citizens in the extremist organisation Nurdzhular", which "threatens public security and could lead to hatred and enmity among the population on ethnic grounds and unforeseen consequences".

Naberezhnyye Chelny appeals

Two fellow Nursi readers in Naberezhnyye Chelny, Inur Khafizov and Fidail Salimzyanov, have appealed against their convictions and fines. Three hearings have already been held at Naberezhnyye Chelny City Court, the latest on 4 April, the court website notes. The judge had been expected to issue the verdict on 4 April, but this was postponed until 11 April, a Nursi reader told Forum 18.

Khafizov and Salimzyanov were convicted and fined 100,000 and 50,000 Roubles on 19 February under Criminal Code Articles 282.2, Parts 1 and 2 ("Organisation of" or "participation in" "the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity") respectively. The convictions followed a series of raids on Nursi readers' homes in Naberezhnyye Chelny in February 2013 during which they were detained. After several hearings in the City Court, their case was transferred to the magistrates' court system in December 2013.

The women's homes were searched for Nursi's works at the same time. Sharifullina was then placed under house arrest, later reduced to a travel ban. Khapinova was charged with the same offence (under Article 282.2, Part 1) in August 2013 (see F18News 12 March 2014 http://www.forum18.org/archive.php?article_id=1936).

Although Forum 18 can find nothing which advocates hatred, violence, or the violation of any human right in Nursi's writings and they are not banned in any other country, sharing Russian translations of his works even in private homes can be enough to be charged with "extremist" activity in Russia (see Forum 18's "extremism" Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1724).

Russia's Supreme Court outlawed "Nurdzhular", a purported extremist organisation of Nursi followers, in April 2008. Muslims who study Nursi say that the group does not exist.

More texts to be banned?

During the raids in 2013, officials seized books from the defendants' homes. Now, Naberezhnyye City Prosecutor's Office is attempting to have 18 of these - taken from Sharifullina's flat - declared "extremist" at the City Court. The first hearing in this case took place under Judge Neilya Demytyeva on 3 April, the court website notes. On 11 April the Court is expected to appoint "experts" to re-analyse the texts, a Nursi reader told Forum 18.

The texts in question include 17 by Nursi himself, plus a Russian translation of "Islam in Modern Turkey: an Intellectual Biography of Bediuzzaman Said Nursi", by Mary Weld (Sukran Vahide). Most were produced by the Istanbul publishing house "Sözler", which already has six entries on the Federal List.

Seven of the 18, including Weld's biography, have already been banned in other editions by courts in Moscow and Kaliningrad in 2007 and 2012 respectively (see F18News 27 March 2013 http://www.forum18.org/archive.php?article_id=1818).

If the Naberezhnyye Chelny Prosecutor is successful in this case, it would result in 11 new Nursi works being added to the Federal List, thereby prohibiting their distribution in the Russian Federation.

The 18 books have already undergone "psycho-linguistic examination" in May-July 2013 as part of the initial extremism investigation. Anastasia Gopkalo (psychologist), Yekaterina Palekh (linguist), and Rafis Zakirov (religious studies expert), all of Kazan Federal University, concluded that the texts comprised "a set of tools for ideological, propaganda purposes, aimed at the gradual transformation of the reader's personality, the changing of their world view, their life values, their convictions, and their behaviour patterns in accordance with the ideology conveyed by these sources", according to a 7 March letter from Naberezhnyye Chelny's Acting Prosecutor Pavel Shamov, seen by Forum 18.

The Nursi readers' lawyer presented the court with a copy of experts' analysis which was opposed to that presented by the Prosecutor, and successfully requested a repeat expert analysis of the books, a Nursi reader told Forum 18 on 3 April. The judge will rule on who should carry out this re-examination on 11 April.

A spokesperson for Naberezhnyye Chelny Prosecutor's Office said on 8 April that she knew nothing about the suit to ban the 18 books and directed Forum 18 to the senior assistant to the Prosecutor. When Forum 18 reached him on 10 April and asked to discuss the suit, he immediately put the phone down.

Earlier court decisions which have added Nursi's works to the Federal List of Extremist Materials contain little or no reasoning, Forum 18 notes. Among the few specific instances of "extremism" cited, for example, are Nursi's descriptions of non-Muslims as "frivolous", "philosophers" and "empty-talkers" (see F18News 5 March 2013 http://www.forum18.org/Archive.php?article_id=1811). The freedom to criticise religious or non-religious beliefs is, however, a key tenet of freedom of religion and belief.

Removal of Jehovah's Witness texts from the Federal List

Two Jehovah's Witness brochures have at last been withdrawn from the Federal List of Extremist Materials, to which they were added in July 2011, Jehovah's Witnesses told Forum 18. After a drawn-out process of repeated expert analysis, Factory District Court in the city of Kemerovo decided on 25 November 2013 that "Is Religion a Force for Peace?" and "Be Zealous for True Worship" were not "extremist". However, they were not immediately removed from Nos. 914 and 915 on the List.

On 15 February 2012, Jehovah's Witnesses appealed against the 30 May 2011 Factory District Court decision declaring the material "extremist". Kemerovo Regional Court overturned this decision and sent the case back for re-examination on the grounds that "stakeholders" (ie. Jehovah's Witness representatives) had not been present at the initial hearing.

Jehovah's Witnesses wrote to the Justice Ministry in September 2012 to request the texts' withdrawal from the Federal List, but the Ministry replied in January 2013 that they would not be removed until a court decision had been received and the case considered in a court of appeal (see F18News 27 March 2013 http://www.forum18.org/archive.php?article_id=1818).

At a Factory District Court hearing on 17 December 2012, Judge Irina Bykova appointed Mikhail Osadchy of Kemerovo State University as an "expert analyst". Osadchy has previously found Jehovah's Witness literature extremist (see F18News 2 December 2011 http://www.forum18.org/archive.php?article_id=1642). He also contributed to an analysis used to try to ban a key Hare Krishna text in Tomsk (see F18News 10 October 2011 http://www.forum18.org/archive.php?article_id=1623).

Osadchy's appointment was overturned by Kemerovo Regional Court on 9 June 2013 on the grounds that he was deemed not to have the necessary qualifications and had also already pronounced an opinion on these texts.

On 3 July 2013, the texts were sent for analysis at St Petersburg's Centre for Extremism Studies. Experts there did not find them extremist, but found them characterised by "a refusal to participate in political conflict and war, and the unacceptability of ethnic and religious hatred".

Factory District Court also deemed six other Jehovah's Witness texts "extremist" in a single ruling in October 2010, all of which remain on the Federal List (Nos. 752-757 incl.).

Despite Kemerovo Regional Court's overturning of the initial extremism ruling in February 2012, the Jehovah's Witness community in the village of Kurdzhinovo (Karachay-Cherkessia) was fined 50,000 Roubles in November 2012 under Article 20.29 of the Administrative Code after an FSB security service raid on its premises uncovered a copy of "Is Religion a Force for Peace?", among other prohibited materials (see F18News 27 March 2013 http://www.forum18.org/archive.php?article_id=1818).

Nursi readers appeal to European Court

Imams Ilhom Merazhov and Komil Odilov, convicted in Novosibirsk in May 2013 under Criminal Code Article 282.2, Part 1 of organising "Nurdzhular" activity, have taken their case to the Russian Supreme Court and the European Court of Human Rights (ECtHR) in Strasbourg.

Merazhov and Odilov both received one-year suspended sentences at Novosibirsk's October District Magistrates' Court No. 7, a verdict Merazhov described at the time as "nonsense" (see F18News 18 June 2013 http://www.forum18.org/archive.php?article_id=1848). An initial appeal against the ruling was rejected on 15 August 2013 at Novosibirsk's October District Court.

On 12 March 2014, the two men submitted an appeal to the Supreme Court in Moscow. The court, however, saw no grounds to consider it, and on 19 March issued a refusal to hear the case, according to the court website.

Merazhov and Odilov also submitted appeals to the ECtHR on 12 January, in which they assert that the court proceedings in Novosibirsk violated their rights under several articles of the European Convention on Human Rights, including Article 9 on freedom of thought, conscience, and religion. Merazhov's case (Application No. 6731/14) and Odilov's case (Application No. 6738/14) were registered by the court on 10 February.

According to Merazhov's appeal documents, seen by Forum 18, the prosecution, conviction, and appeal court decision all "limited [their] freedom of thought, conscience, and religion". They also complained that the ruling that their books - which included quotations from the Koran - should be destroyed "insulted their religious feelings".

Russia defends Nursi text ban to European court

Meanwhile, the representative of the Russian Federation at the European Court of Human Rights, Georgy Matyushkin, has submitted his government's response to an appeal by a regional Muslim body challenging the 2010 prohibition as "extremist" of Nursi's "The Tenth Word on the Resurrection of the Dead". The 21 March government response – seen by Forum 18 - insists that the

ruling was "necessary in a democratic society in the interests of national and public security, for the protection of public order .. health and morality, [and] for the defence of the rights and freedoms of others".

The Russian government does not accept the claim by the United Spiritual Administration of Muslims of Krasnoyarsk Region that the extremism ruling violated its rights under Article 9 (freedom of religion and belief) and Article 10 (freedom of expression) of the European Convention on Human Rights, Matyushkin declared. He asks that the ECtHR reject the appeal as unfounded.

Expert analysis by Astafyev Krasnoyarsk State University found that "The Tenth Word" was intended to "stimulate religious discord, to promote ideas of the exclusivity, superiority, and inferiority of citizens on the basis of religion, and in particular, to promote discord between Muslims and non-believers", Matyushkin noted. The local court was within its rights under Russian procedural law, the government response maintains, to reject the alternative analysis of the text provided by Moscow State University, which found "no unambiguous indications" of extremism.

Following the banning of "The Tenth Word" by local courts (see F18News 29 October 2010 http://www.forum18.org/Archive.php?article_id=1504), the United Spiritual Administration of Muslims of Krasnoyarsk Region submitted the case to the ECtHR in April 2011 (Application No. 28621/11).

In November 2013 the Russian government was requested to respond. A spokesperson for the ECtHR told Forum 18 from Strasbourg on 9 April that a copy of the response has been sent to the applicant organisation, which now has until June 2014 to submit further observations.

This is the third case relating to the banning of Islamic texts in Russia to reach the ECtHR in recent years. The other two – "Ibragimov and Cultural Educational Fund 'Nuru-Badi' v. Russia" and "Valiullin and The Association of Mosques of Russia v. Russia" – also refer to violations of Articles 9 and 10 (see F18News 27 January 2014 http://www.forum18.org/archive.php?article_id=1920). (END)

For more background, see Forum 18's surveys of the general state of freedom of religion or belief 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.

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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