FORUM 18 NEWS SERVICE, Oslo, Norway
https://www.forum18.org/
The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

1 May 2014

RUSSIA: "They'll punish you .. whether or not you committed a crime"

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

State agencies continue to conduct inspections of premises and vehicles owned by Muslims and Jehovah's Witness, often targeting religious literature banned as "extremist", Forum 18 News Service notes. Prosecution often follows on charges of "mass distribution" of "extremist" material – even if only one copy of a text is found. In the 15 known prosecutions so far in 2014 all have led to convictions. In one example, the Mufti of a Mosque in Saransk was tried for possession of one copy of Turkish theologian Said Nursi's "Guidebook for Women". Mosque staff think the book was planted, and Mufti Zyaki Aizatullin stated that the first time he had seen it was during an inspection by the Prosecutor. On appeal on 5 March, the defence pointed out among other things that there were discrepancies in who the prosecution stated had found the book. But the appeal was dismissed. The Mosque spokeswoman commented to Forum 18 that "it turns out the law exists only on paper, and in practice they'll punish you regardless of whether or not you committed a crime. It's enough just to be a Muslim."

State agencies' inspections of individuals' homes, businesses and places of worship often target religious literature banned as "extremist", Forum 18 News Service notes. Administrative prosecution often follows on charges of mass distribution of "extremist" material.

Forum 18 has identified 15 such prosecutions in 12 different regions of Russia in the first four months of 2014 alone. Two cases each were in Samara Region, the Mari-El Republic, and the Republic of Mordovia, with one case each in the Yekaterinburg, Tyumen, Volgograd, Kemerovo, Penza, Orenburg, Omsk and Perm regions, and the Republic of Tatarstan. All 15 cases led to convictions, 14 leading to fines. However, two of these fines have so far been overturned on appeal.

Individuals and organisations are often punished under Article 20.29 of the Code of Administrative Offences ("Production or mass distribution of extremist materials"). Such cases often follow inspections, carried out variously by the police, the FSB security service, and Prosecutor's Office officials, aiming "to check compliance with the law on countering extremist activity" according to court documents Forum 18 has seen.

Inspections involve searches of premises and vehicles owned by religious organisations and their members. They mainly appear to target Muslims and Jehovah's Witnesses. If officials uncover literature suspected of being "extremist", this will be confiscated. They also question those present and in some cases summon them for further questioning at a later date. These searches are apparently sometimes provoked by direct complaints from members of the public. In other instances, prosecutors claim to be checking compliance with the Religion Law and the Law on Combating Extremism and Terrorism.

Banned material

Some banned material on the Federal List argues for peace and respect for human rights, including Muslim theologian Muhammad ali Al-Hashimi's "The Personality of a Muslim" and the Chinese spiritual movement Falun Gong's leaflet "Global Human Rights Torch Relay". Other banned material on the List promotes racism, xenophobia or violence. Any lower court can decide that material is "extremist" and so should be added to the List, banning the material throughout Russia. Anyone in Russia who possesses material on the List is liable to face either criminal or administrative prosecution (see Forum 18's "extremism" Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1724).

The Federal List contains 2,304 entries as of today (1 May), though some entries are blank while others contain more than one item. The List includes many Jehovah's Witness publications and works by the late Turkish Islamic theologian Said Nursi. A sermon on the Catholic faith given in 1900 by the late Ukrainian Greek Catholic Metropolitan Andrey Sheptytsky was added in October 2013 (see F18News 25 November 2013 http://www.forum18.org/archive.php?article_id=1899). In recent years new material has been added at an increasing rate (see eg. F18News 15 July 2013 http://www.forum18.org/archive.php?article_id=1858).

In Russian law, prosecutions can only be brought relating to "extremist" texts if they are the exact edition of the work specified on the Federal List. But this has not stopped prosecutions being brought relating to editions that are not on the Federal List (see

Copyright Forum18 News Service 2014 - Page 1/5

F18News 28 February 2013 http://www.forum18.org/archive.php?article_id=1808).

Administrative Code Article 20.29 punishes "production or mass distribution of extremist materials" on the Federal List, as well as their "possession for the purposes of mass distribution". Despite the term "mass distribution", prosecutors have often brought charges even if only one copy of a text is discovered (see eg. F18News 1 August 2012 http://www.forum18.org/archive.php?article_id=1728).

Punishments

If convicted, individuals may receive a fine of 1,000 to 3,000 Roubles (about 165 to 500 Norwegian Kroner, 20 to 60 Euros, or 28 to 85 US Dollars) or detention for up to 15 days. Fines for officials range from 2,000 to 5,000 Roubles. Legal entities (including businesses and religious associations) may be fined 50,000 to 100,000 Roubles (between nine and 18 times the minimum monthly wage as of 1 January 2014). Such organisations may also be prohibited from operating for a period of up to 90 days.

Court decisions seen by Forum 18 usually order "extremist" materials to be confiscated and often destroyed (see eg. F18News 10 April 2014 http://www.forum18.org/archive.php?article_id=1946).

All 15 of the known cases in 2014 so far resulted in convictions. Defendants have appealed in six cases so far. Only two appeals have succeeded in having verdicts overturned, in both instances because prosecutors took too long to bring the original case to court. Thirteen of the 15 cases concerned Islamic texts or videos, the other two concerning Jehovah's Witness literature.

Orenburg texts still banned, no progress on appeals

Six of the court decisions seen by Forum 18 involved Muslim texts ruled "extremist" by Lenin District Court in Orenburg in March 2012. This ruling covered the largest quantity of religious literature banned in a single court case, prohibiting 68 texts in a hearing lasting only 30 minutes. The bans only became known in mid-June (see F18News 19 June 2012 http://www.forum18.org/archive.php?article_id=1713). When the Court's decision became known, it drew condemnation from Islamic bodies, publishers, and human rights defenders (see F18News 30 July 2012 http://www.forum18.org/archive.php?article_id=1726).

Several appeals against the Orenburg decision are still pending. After a delay caused by the state's destruction of 26 of the prohibited items, the repeat "expert analysis" of the remaining material - ordered in April 2013 - was expected to take until late August 2013 to finish (see F18News 27 January 2014 http://www.forum18.org/archive.php?article_id=1920).

Nurzhigit Dolubayev, the Orenburg-based lawyer for one of the publishers trying to overturn the ban, confirmed to Forum 18 on 30 April 2014 that there is still no news on when the appeal will return to court.

Individuals, bookshop and mosques prosecuted

In five of the 15 known 2014 administrative prosecutions, the defendant was an organisation – either religious or commercial. In the city of Tyumen in south-western Siberia, an FSB security service inspection of the Melli Kibet Muslim shop at the city's bus station in January seized three copies of Wahf al-Qahtani's "Fortress of a Muslim" and five of "40 Hadiths of Imam an-Nawawi". Both these titles were ruled "extremist" in the Orenburg March 2012 court decision (Nos. 1346-1348 and 1312 on the Federal List) (see F18News 19 June 2012 http://www.forum18.org/archive.php?article_id=1713).

Melli Kibet's owner, Daniya Soldatikova, admitted obtaining these books to sell to the public, but did not know they were deemed "extremist". On 7 April 2014, Tyumen's Lenin District Court tried Soldatikova as a legal entity and sentenced her to five days' suspension of the shop's operation, and the confiscation and destruction of the books.

Soldatikova's shop is now operating normally, and she has experienced no other problems with the police or the FSB security service, she told Forum 18 from Tyumen on 1 May. The "extremist" books confiscated from her stock are now with the FSB. She said she does not know if they have yet been destroyed. Other books taken in the inspection, not deemed "extremist", including eight copies of a Tatar version of "40 Hadiths", have been returned to her.

There appears to be little consistency in whether shopkeepers and religious leaders found in possession of material on the Federal List are prosecuted as private individuals or as a legal entity.

In the city of Yekaterinburg in the Urals on 29 April, Ordzhonikidze District Court found the Rakhmat Mosque community guilty of possessing a copy of the "Life of the Prophet" by the Indian theologian Safi-ur-Rahman al-Mubarakpuri. This was among the 68 works ruled "extremist" in Orenburg in March 2012 and was added to the Federal List at No. 1291 (see F18News 19 June 2012 http://www.forum18.org/archive.php?article_id=1713). The Mosque was fined 50,000 Roubles (nine times the minimum monthly wage – about 8,350 Norwegian Kroner, 1,000 Euros, or 1,400 US Dollars). The Mosque's Director was also give a warning about "extremist" activity.

Copyright Forum18 News Service 2014

This is not the first time the Rakhmat Mosque community has been accused of possessing prohibited literature. In May 2013, Interior Ministry (MVD) "anti-extremism" investigators raided the Mosque accompanied by OMON riot police. They seized single copies of "Fortress of a Muslim" and Elmir Kuliyev's "Way to the Koran", as well as three copies of an-Nawawi's "Gardens of the Righteous", according to a warning letter from the Prosecutor's Office of 28 June 2013, seen by Forum 18. It warned the Mosque authorities "to take concrete measures to eliminate" these legal infringements. All three texts were ruled "extremist" in Orenburg in March 2012.

In contrast, the Mufti of the Cathedral Mosque of Saransk (Mordovia) was tried in January 2014 for possession of a copy of Nursi's "Guidebook for Women" as an individual.

Muslim leader fined in Saransk – but was book planted?

A single copy of a text - in this case a Russian-language edition of Nursi's "Guidebook for Women" - was again enough for administrative proceedings against the Mufti of Mordovia, Zyaki Aizatullin. Of all the 15 Article 20.29 cases identified by Forum 18 in 2014, this was the only one to involve a work by Nursi, whose writings are frequently the subject of "extremism" trials (see Forum 18's "extremism" Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1724).

An inspection by the Proletarian District Prosecutor, carried out to check compliance with the Religion Law and the Law on Combating Extremism and Terrorism, found a copy of the "Guidebook for Women" in a locked cabinet in Aizatullin's office at the "Uskudar" Cathedral Mosque in Saransk on 29 October 2013.

The mufti's spokeswoman told Forum 18 on 1 May that the inspection team did not present a search warrant. She also described how one of them, police officer Mansur Gurin, entered the mufti's office without permission and behaved aggressively towards the mosque staff, raising his voice to them and accusing them of lying.

"Guidebook for Women" is from Nursi's Risale-i Nur (Messages of Light) collection and was in Russian translation declared "extremist" by Moscow's Koptevo District Court in 2007 (No. 49 on the Federal List) (see F18News 27 June 2007 http://www.forum18.org/archive.php?article_id=981).

Forum 18 has been unable to ask the Prosecutor how many other Saransk religious communities have been inspected to check compliance with the Religion Law and the Law on Combating Extremism and Terrorism.

Confiscations of Russian translations of Nursi's books are more likely to result in criminal charges of "extremist" activity under Articles 282.1 and 282.2, as in the recent criminal prosecutions of Nursi readers in Naberezhnyye Chelny (see eg. F18News 10 April 2014 http://www.forum18.org/archive.php?article_id=1946).

On 9 January, Judge Georgy Morozov of Saransk's Proletarian District Court found Mufti Aizatullin guilty under Article 20.29. The head of the Regional Spiritual Administration of Muslims of the Republic of Mordovia was fined 1,000 Roubles. The judge also ordered the book destroyed. Aizatullin appealed against the verdict to Mordovia's Supreme Court, but on 5 March Judge Aleksandr Bazhanov ruled that there should be no change to the decision.

A spokeswoman for the Mufti told Forum 18 from Saransk on 11 April that they would continue to fight the ruling, at an international level if need be.

Was the banned book really in the cabinet?

According to Saransk's Proletarian District Court verdict, seen by Forum 18, Mufti Aizatullin denied that his congregation members had access to the locked cabinet, which contained gifts. He told the court he could not recall how the book had got there, stating that the first time he had seen it was during the October 2013 inspection by the Prosecutor. Witnesses stated that they had never seen books taken from the locked cabinet, and that nobody could take any books from the mosque library without the mufti's permission.

The defence pointed out that the Mosque's library was inventoried at the end of 2012 by staff member Alsu Myakusheva. She continued to check the collection throughout 2013 to ensure that it did not contain any items from the Federal List of Extremist Materials. She testified in court that the "Guidebook for Women" was not in the library during any of her checks.

The Proletarian District Court nevertheless concluded that Aizatullin was guilty of possession of an "extremist" book for purposes of mass distribution, by permitting free access to the Mosque library.

Appeal dismissed as "groundless"

On appeal on 5 March, the defence argued that Aizatullin did not know the book was there and that the presence of one copy "cannot be regarded as possession for the purpose of mass distribution of extremist literature". According to the appeal verdict, also seen by

Copyright Forum18 News Service 2014 - Page 3/5

Forum 18, the Supreme Court of Mordovia "dismissed [this] as groundless".

The appeal also argued that Aizatullin's statement to the Prosecutor's Office could not be allowed as evidence of guilt, as his words were recorded incorrectly.

The District Court also did not take into account discrepancies between the Prosecutor's statements in court and the record of the inspection, the defence argued. According to the Mosque spokeswoman, these two documents claimed different groups of officials as discovering the book. The former listed Prosecutor's Assistant Svetlana Novakovskaya, Marina Semushenkova (Head of the Department for NGO Affairs at the Mordovian branch of the Justice Ministry), and an unnamed official of the police "Anti-Extremism Centre". The latter document listed only Semushenkova and Deputy prosecutor A.A. Frolov. However, the judge rejected these points.

The Supreme Court maintained that access to the Mosque and the literature kept there was unrestricted, "thus, the presence of a single copy does not preclude it being repeatedly obtained by an indefinite number of readers".

"In practice they'll punish you regardless of whether or not you committed a crime"

The Mosque spokeswoman insisted to Forum 18 that there had been no witnesses to the inspectors' discovery of the book, and that neither the mufti nor his assistant was called in to verify its presence in the office. Mosque staff think the book was planted.

She explained that they also take issue with the conduct of the trial. She complained that the judge refused to call three witnesses for the defence, "even though their testimony was important for fully establishing the circumstances of the case". She added: "So it turns out the law exists only on paper, and in practice they'll punish you regardless of whether or not you committed a crime. It's enough just to be a Muslim."

Telephones at Proletarian District Prosecutor's Office went unanswered each time Forum 18 called on 9, 10, and 25 April.

"Extremist" books in locked box leads to large fine

In the city of Samara on the Volga, the presence of single copies of prohibited texts was sufficient evidence for prosecutors to bring "mass distribution" charges against the city's Jehovah's Witnesses. The community was fined 50,000 Roubles (nine times the minimum monthly wage – about 8,350 Norwegian Kroner, 1,000 Euros, or 1,400 US Dollars) by Judge Natalya Valeryeva at Soviet District Court on 6 March. The two "extremist" books were ordered to be destroyed. An appeal before Judge Anna Tolmosova at Samara Regional Court on 17 April, in which the community's Chair Andrei Bobkov argued that the books did not belong to his congregation, was unsuccessful.

According to the District Court verdict, seen by Forum 18, a police "anti-extremism" raid on the Jehovah's Witnesses' rented premises discovered the books among others in a locked box in the cloakroom. The search took place just before a meeting for worship on 22 January, and the police refused to provide copies of the search protocol, Russia's Administrative Centre of Jehovah's Witnesses told Forum 18.

Refusal to provide copies of the search protocol documenting confiscations is illegal, however this illegality has frequently happened. The lack of a subsequent investigation or court case to rule on whether or not an individual's ownership of the literature is also illegal (see F18News 5 March 2010 http://www.forum18.org/archive.php?article_id=1417).

The Samara Regional Court decision describes how the search was sparked by alleged complaints from members of the public to the police "Anti-Extremism Centre" and the FSB security service, about Jehovah's Witnesses handing out literature in the streets around the Moscow highway in Samara.

The prohibited materials found on the Jehovah's Witness premises were among 34 texts ruled "extremist" by Rostov Regional Court in September 2009, a decision later upheld by Russia's Supreme Court (see F18News 8 December 2009 http://www.forum18.org/archive.php?article_id=1385).

Telephones at the Samara City Prosecutor's press office went unanswered each time Forum 18 rang on 29 and 30 April. (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.

Copyright Forum18 News Service 2014

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.

Follow us on Twitter @Forum_18 (http://twitter.com/forum_18)

Follow us on Facebook @Forum18NewsService (http://www.facebook.com/Forum18NewsService)

All Forum 18 text may be referred to, quoted from, or republished in full, if Forum 18 is credited as the source.

All photographs that are not Forum 18's copyright are attributed to the copyright owner. If you reuse any photographs from Forum 18's website, you must seek permission for any reuse from the copyright owner or abide by the copyright terms the copyright owner has chosen.

© Forum 18 News Service. All rights reserved. ISSN 1504-2855.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY