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RUSSIA: "We still cry when we remember the burned books"

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

A Tatarstan court had to reject the prosecutor's suit to have a further 18 books by or about the Turkish Islamic theologian Said Nursi declared "extremist" as police had already burned them. According to a police letter seen by Forum 18 News Service, police claim not to have received a court decision ordering their return to the owner, Nakiya Sharifullina, who had controversially been convicted for "extremist" activity. "We still cry when we remember the burned books," a local Muslim told Forum 18, adding that they "asked God that these people repent for their actions, since in these books were verses of the Holy Koran". Four further Nursi titles, plus more Jehovah's Witness publications, have been declared "extremist" and banned. Websites or pages that host religious materials controversially banned as "extremist" have similarly been banned and added to Russia's Register of Banned Sites.

Seventeen further books by Turkish Islamic theologian Said Nursi have escaped prohibition as "extremist" literature – but only after police in Naberezhnyye Chelny in Tatarstan "mistakenly" burned the evidence. Local Muslims told Forum 18 News Service of their distress on being told of the burning. Four Nursi titles, however, appear in the 15 August update to the Russian Justice Ministry's Federal List of Extremist Materials as the result of a separate ruling by Naberezhnyye Chelny City Court.

The texts in both cases were confiscated as part of a long-running criminal investigation and trial in the city, which resulted in "extremism" convictions and fines for four Muslims who read Nursi's works. One of the defendants, Nakiya Sharifullina, is now challenging her conviction in the European Court of Human Rights (ECtHR) in Strasbourg.

A growing number of websites or pages hosting religious texts controversially banned as "extremist" – such as "Way to the Koran" by Azerbaijani Muslim scholar Elmir Kuliyev – have themselves been banned (see below).

Islamic and Jehovah's Witness literature continues to be ruled "extremist" by courts across Russia, opening the way for yet more prosecutions for their possession or distribution under Article 20.29 of the Code of Administrative Offences (see F18News 8 September 2014 http://www.forum18.org/archive.php?article_id=1994).

Administrative Code Article 20.29 punishes "Production or distribution of extremist materials" recorded on the Federal List of Extremist Materials with a fine or imprisonment of up to 15 days and confiscation of the banned literature. Under this Article, the "mass distribution" of items on the Federal List, as well as their "production or possession for the purposes of mass distribution" is banned. Despite the term "mass distribution", prosecutors have often brought charges even if only one copy of a text is discovered. Court decisions usually order "extremist" materials to be confiscated and often destroyed (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=1724).

The discovery of banned materials by officials may also be taken as evidence of wider "extremist" activity. In addition to individual criminal charges, as in Naberezhnyye Chelny, it can also lead to the enforced dissolution of a religious organisation, as will happen to the Jehovah's Witness community in Samara if a June court ban is upheld by the Supreme Court in Moscow at an appeal hearing due on 8 October (see F18News 19 August 2014 http://www.forum18.org/archive.php?article_id=1986).

In addition to outlawing the physical distribution of religious materials, many of which do not advocate the violation of any human right, state authorities are also prohibiting online access by blocking websites and placing them on a list of banned internet resources alongside pornographic and drug-related materials (see below).

Naberezhnyye Chelny

On 14 August at Naberezhnyye Chelny City Court, Judge Farid Fazilov rejected the city prosecutor's request to have 18 Islamic texts banned as "extremist". The suit began in March in the aftermath of the criminal trials of Nursi readers (see F18News 10 April 2014 http://www.forum18.org/archive.php?article_id=1946).

According to the court verdict, seen by Forum 18, the case was derailed after it was found that key evidence – copies of the books in question – had been burned by the police, despite a court order that they should be returned to their owner.

The 17 texts by Nursi, plus a Russian translation of "Islam in Modern Turkey: an Intellectual Biography of Bediuzzaman Said Nursi" by Mary Weld (Sukran Vahide), belonged to Sharifullina, who was convicted under Criminal Code Article 282.2, Part 1 in March. Despite the fact that they were not prohibited materials, they were ordered destroyed in the same magistrate's court verdict which fined her 100,000 Roubles (16,500 Norwegian Kroner, 2,000 Euros or 2,800 US Dollars).

At Sharifullina's (unsuccessful) appeal hearing at the City Court on 23 April, however, Judge Rustam Khakimov ruled that the question of her confiscated property should be returned to Magistrate's Court No. 24 (see F18News 19 June 2014 http://www.forum18.org/archive.php?article_id=1971).

Book burning

Magistrate's Court No. 24 decided on 28 May that the non-prohibited books should be returned to Sharifullina.

According to a 16 June letter to Sharifullina from Police Major Lenar Badrtdinov, seen by Forum 18, this was not, however, communicated to the police. Officers proceeded to destroy the non-prohibited books along with banned Nursi titles on 5 June.

One local Muslim who reads Nursi's works was outraged at news of the book burning. "We wept, we prayed for a long time and asked God that these people repent for their actions, since in these books were verses of the Holy Koran," the Muslim told Forum 18 on 27 August. "We still cry when we remember the burned books. But the wisdom of our Creator is in everything – it turns out they cut the branch on which they sat."

The Muslim complained to Forum 18 that officials wanted to ban a "whole list of books" from among those they seized during searches. "But there were no books – they had burned them themselves."

The police telephone number given on the letter went unanswered whenever Forum 18 called on 26 and 27 August. A spokeswoman for the City Court said on 26 August that she could give no information by telephone.

Naberezhnyye Chelny police had returned non-prohibited books belonging to two other local Muslims, Ilnur Khafizov and Fidail Salimzyanov, a Nursi reader told Forum 18 from the town on 12 August. The two men were convicted in February of "extremist" activity under Criminal Code Article 282.2, Parts 1 and 2 respectively (see F18News 10 April 2014 http://www.forum18.org/archive.php?article_id=1946).

In the course of the investigation, however, religious books were seized from the homes of more than 30 people who were not later brought to trial, and who have not yet regained their property.

Four more Nursi editions banned

Although the 18 titles by or about Nursi under threat of prohibition in Naberezhnyye Chelny have evaded an "extremism" designation, seven 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).

Another – "The Flashes", though possibly in a different edition – is among four texts from Nursi's Risale-i Nur (Messages of Light) collection added to the Federal List on 15 August. The other three are "Guide for Youth" (already banned in two further editions in Kaliningrad), "Message for the Sick", and "The Pleasures of Faith and the Progress of Man". Judge Neilya Dementyeva of Naberezhnyye Chelny City Court upheld the city prosecutor's request to have them ruled extremist on 22 April, according to the court website.

According to the 19 February verdict of Naberezhnyye Chelny Magistrate's Court No. 15, these were among books seized from Khafizov during the initial raids on local Nursi readers' homes in February 2013.

European Court appeal

Following the failure of her appeal against her March conviction on charges of organising "extremist" activity under Criminal Code Article 282.2 Part 1, Sharifullina lodged a case to the European Court of Human Rights (ECtHR) in Strasbourg on 29 May. The Court response to Sharifullina of 29 July, seen by Forum 18, notes the case's Application Number 45334/14.

The ECtHR is also currently considering an appeal by Imams Ilhom Merazhov and Komil Odilov, convicted in Novosibirsk in May 2013 also under Article 282.2, Part 1 of organising "extremist" activity (see F18News 10 April 2014 http://www.forum18.org/archive.php?article_id=1946).

More prohibitions on Jehovah's Witness literature

Four Jehovah's Witness brochures – "How to Achieve Happiness in Life", "What Can People Hope For?", "How to Develop a Close

Relationship With God" and "What You Need to Know About God and His Meaning" – have been ruled "extremist" by two courts within a week of each other.

On 31 July, the Prosecutor's Office of Barnaul in Altai Region reported that the city's Central District Court had upheld its request to ban the texts, which officials had found being distributed by Jehovah's Witnesses in the city.

City prosecutor Vladimir Yelizarov claimed in the press release that the literature contained "information and statements [which] offend religious feelings, degrade human dignity on the basis of religion, and promote the exclusivity of one religion over another, which indicates the presence of signs of incitement to religious hatred, religious discrimination, and the violation of human rights".

The brochures' content is identical to that of "What does the Bible really teach?", which has already been banned in two different editions: first, by Rostov Regional Court in September 2009, a ban upheld by the Supreme Court in December 2009 (see F18News 8 December 2009 http://www.forum18.org/archive.php?article_id=1385); and second, by Soviet District Court in Krasnoyarsk in February 2013. The Rostov ruling also dissolved the Taganrog Jehovah's Witness congregation (see F18News 19 August 2014 http://www.forum18.org/archive.php?article_id=1986).

On 5 August 2014, Kurgan Regional Court also decided the texts were "extremist", upholding a City Court ruling of 23 December 2013 (see F18News 27 January 2014 http://www.forum18.org/archive.php?article_id=1920).

In the court verdict, seen by Forum 18, the four brochures are described as containing "information aimed at promoting the superiority of the beliefs of Jehovah's Witnesses and the falsity of other faiths and churches, as well as incitement to hatred and hostility towards religious leaders and people who are not Jehovah's Witnesses". However, the verdict gives no quotes from the texts to illustrate its contentions.

Jehovah's Witnesses themselves pointed out that they had not been invited to defend the texts in the initial City Court proceedings, and that the decision violated their freedom of religion and expression. They also argued that the court's conclusion was based on a non-expert and non-independent evaluation of the material, and that it was aimed at "limiting the rights of believers to distribute and use for preaching religious sources based on the Bible". The appeal judges, however, noted that the brochures are reprints of an already-banned book, and concluded that the charges were therefore foreseeable.

Website bans

Russia's anti-"extremism" legislation is also used against religious material online. Access to religious material on the internet is blocked when a court rules that a website or webpage is extremist and it is added to the Unified Register of Banned Sites, maintained by the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor).

Recent cases noted by Forum 18 principally include the blocking of sites which contain material already ruled "extremist" and prohibited from distribution in hard copy. A separate court decision is necessary to ban the online version of material already prohibited from offline distribution. A previous "extremism" ruling is not, however, essential for a website to be blocked.

On 30 July at Saratov District Court, Judge Tatyana Midoshina decided to restrict access to individual pages of www.mirknig.com hosting already-banned works. According to the written verdict, seen by Forum 18, the Region's Voskresenskoe District Prosecutor initiated the case after monitoring by prosecutors and police found the site gave free access to, among other books, Kuliye's "Way to the Koran".

Kuliye's book has twice been banned in different editions: first, by Orenburg's Lenin District Court on 21 March 2012; and second, by Omsk's Kuibyshev District Court on 12 July 2012.

On 14 May 2014, Astrakhan's Kirov District Court found that "Fortress of a Muslim", another text banned in the Orenburg decision, was available for download and purchase from a site which "did not require pre-registration or a password" and where "every user could become familiar with the contents", according to the verdict, seen by Forum 18. (The name of the site was redacted in the published text of the verdict.) In her ruling, Judge Yuliya Goncharova obliged the internet provider Rostelekom to block access to the site.

The presence of Muhammad al-Tamimi's "Book of Monotheism" (banned by Savelovsky District Court in Moscow on 2 April 2004) was the reason for the blocking of www.way-to-allah.com/ru/library, a collection of Islamic books, on 11 August after a court decision of 9 June. It was similarly the reason for the blocking of three other websites by Duldurga District Court in Transbaikalia Region on 26 May. Court chairwoman Olga Zamiyenova told Forum 18 that al-Tamimi's text was found on www.nurr.ru/connekt, refdb.ru/look/1231783.html, and bibliotekaislama.wordpress.com/2012/04/24 during monitoring of telecommunications services at three schools in the District.

The principal Russian-language resource for the study of Nursi's works, www.nurru.com, was added to the Register on 11 July as the result of a 9 April court decision.

Narcotics, suicide - and religious literature

According to the Register website, sites may be banned which contain information on the production and provision of narcotics and psychotropic substances, information on how to commit suicide, child pornography, and information banned in the Russian Federation (which can include religious material).

Once a ruling has come into force, the court communicates its decision to Roskomnadzor, which then informs the hosting provider. Within 24 hours, the hosting provider gives notice that the site owner must remove the webpage within a further 24 hours or access to the site will be restricted. If this action is not taken, the IP address (as well as the domain name and website address) will be included in the registry. Site owners, hosting providers, network operators and telecoms providers may appeal against court decisions within three months. If action is taken to remove the banned information, the site/page is removed from the registry within three days.

On 22 January, Tver Regional Court overturned a ban on the Jehovah's Witnesses official website after an appeal by the Watchtower Bible and Tract Society of New York. The site had been blocked by Tver's Central District Court in August 2013 after investigators found it to contain seven items from the Federal List (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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