

3 December 2014

RUSSIA: Bans on more literature, website and video

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

Russian courts have banned more Muslim literature and a video on the ownership of Orthodox saints' relics as "extremist", Forum 18 News Service notes. They have also banned a US-based Russian language website with the text of a hadith collection held by Sunni Muslims to be the most important Islamic book after the Koran. Ravil Tugushev, a lawyer challenging the website ban, noted that "many native Muslims of the Russian Federation do not know Arabic and read Russian translations of the holy texts, including those on the internet". Also, Sakhalin prosecutors are trying to ban a book containing verses from the Koran. Mufti of Asiatic Russia Nafigulla Ashirov described the case as "complete insanity" for being based on verses of the Koran. Commenting on the banning by Artyomovo Municipal Court of 13 Islamic texts as "extremist", Mufti of Saratov Mukaddas Bibarsov stated that if the hadith collection is banned "you should ban books of all religions, without exception, because each of us believes his religion exceptional and the truth". Officials have refused to discuss any of the cases with Forum 18.

Courts in Russia have banned more Muslim literature and a video on the ownership of relics of two Russian Orthodox saints as "extremist", Forum 18 News Service notes. District courts in Sverdlovsk Region in the Urals and in the Tatarstan Republic have banned 14 Islamic texts, including a US-based Russian language website with the text of a collection of hadiths held by Sunnis to be the most important book in Islam after the Koran. Prosecutors on the Far Eastern island of Sakhalin are attempting to ban a book on the concept of du'a (supplication to God) based on and containing verses from the Koran.

Shortly before the cases became public, Ravil Gainutdin, Chair of the Russian Council of Muftis, spoke about "unlawful prohibitions" on Islamic literature at the Sixth Congress of the Spiritual Administration of Muslims of European Russia on 21 September. He criticised the employment of what he described as "Islamophobes, who do not even know the Arabic script" to decide on what is harmful. Gainutdin also called for improvements to the system of court proceedings and "radical revision" of the Federal List of Extremist Materials.

Wide consequences

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 prosecution (see Forum 18's "extremism" Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1724).

Islamic and Jehovah's Witness literature continues to be ruled "extremist" by courts, opening the way for yet more prosecutions for their possession or distribution under Article 20.29 ("Production or distribution of extremist materials") of the Code of Administrative Offences. This can lead to the banning of entire communities and any religious activity by their former members, as the Jehovah's Witness have found in both Samara and Taganrog (see eg. F18News 20 November 2014 http://www.forum18.org/archive.php?article_id=2017).

The Muslim organisation of Borovsky village in Tyumen Region of Siberia was ruled "extremist" and liquidated by Tyumen Regional Court on 6 May. An "anti-extremism" inspection found books from the Federal List on its premises, after prosecutors had warned the community about "the inadmissibility of "extremist" activity". This warning was partly based on an earlier discovery of banned texts at the mosque and also on the mosque's educational and outreach activities.

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).

Sayings of Mohammed and US-based website "extremist"

In Tatarstan, Judge Elvira Nigmatzyanova on 9 October ruled "extremist" the 52nd Book of the Sahih-al Bukhari. This is a 9th century collection of hadiths (sayings) of the Islamic prophet Mohammad, which Sunni Muslims regard as the most authentic compilation and second only to the Koran itself in terms of importance and authenticity.

According to the verdict, seen by Forum 18, the Apastovo District prosecutor initiated the case "in the interests of the Russian Federation" after finding the text online on an Atlanta-based website (in Russian) during monitoring of internet resources for "extremist" material.

The Judge ruled both that the site should be added to the Unified Register of prohibited internet resources, and that the text itself should be added to the Federal List. The court decision quotes the material the prosecutor and judge found objectionable – for example, hadith 177 speaking of violence against Jews and hadith 53 dealing with martyrdom in Allah's Cause.

"The content of the material promotes the exclusivity of militant Islam, encourages its followers to 'holy war', [and] incites ethnic and religious hatred", the Court concluded. It claimed that its distribution would "undermine social stability and create a threat to the life and health, personal dignity, and personal integrity of unspecified persons, and undermine the foundations of the constitutional system of the state."

Russian Muslim lawyer Ravil Tugushev, who is challenging the ban, has raised concerns that bans on hadith texts may not end with one website. "Many native Muslims of the Russian Federation do not know Arabic and read Russian translations of the holy texts, including those on the internet", he wrote on his blog on 31 October.

This decision "sets a precedent and in fact raises the question of future prohibitions on other translations of the Sunnah [way of life] of the Prophet," Tugushev added. "Without [the hadith] there cannot be a religion of Islam; therefore the decision violates the rights of Muslims as enshrined in Article 28 of the Russian Constitution, as it creates obstacles to the practice of religion."

No reference to historical context, interpretations, or legally-provable effects

The Apastovo verdict makes no reference to the texts' historical context, interpretations of the texts by Muslims, or any legally-provable effects the texts have had on people's behaviour.

The verses and the way they have been used as evidence by prosecutors highlights the problems which can be posed by religious texts from particular times and places, including books of the Bible which have not been targeted for such blanket bans. Ancient texts can contain statements opposed to present-day understandings of the rights of others, gender equality, freedom of religion or belief and other human rights. A refusal to acknowledge the context in which ancient texts were written, their subsequent interpretation and the impact they have had on people can lead to arbitrary criminalisation of texts. Such bans can undermine the very values the ban is supposed to uphold.

This issue has already been explicitly raised in some courts. The banning as "extremist" of a widely used Russian-language translation of version of the Koran, by Elmir Kuliyeu, was overturned in December 2013 by Krasnodar Regional Court (see F18News 27 January 2014 http://www.forum18.org/archive.php?article_id=1920).

"The Holy Koran is an integral part of the historical and religious heritage of the peoples of the world," the Court pointed out, "a cultural monument that reflects events important to humanity, which took place on the Arabian Peninsula in the sixth and seventh centuries. The verses of the Koran, which were the reason for the recognition of the above translation as extremist, have a specific origin story, relate to specific historical events of the sixth century BC, and cannot be assessed without taking into account the historical context".

The Court's reasoning is pertinent to the Tatarstan al-Bukhari case, that of the 13 Islamic texts ruled "extremist" in Artyomovo (see below), other Islamic texts and indeed Jehovah's Witness texts. The Krasnodar Regional Court appeal verdict has not yet, however, had a wider impact, including in the appeals against a similar March 2012 ruling by Lenin District Court in Orenburg banning 68 Islamic texts as "extremist" (see F18News 8 September 2014 http://www.forum18.org/archive.php?article_id=1994).

Nurzhit Dolubayev, the lawyer for one of the publishers trying to overturn the Orenburg ban, told Forum 18 on 26 November 2014 that there have been no further developments to that date.

The Kuliyeu Koran translation appeal ruling has not been challenged. Tugushev, who was as a lawyer involved in the appeal, told Forum 18 on 21 August that the case is "too resonant" for prosecutors to pursue it further.

Appeals

Tugushev is challenging the al-Bukhari ban. In this appeal he emphasises historical context, arguing that the prosecutor's selection of

passages allegedly "calling for the overthrow of constitutional order in the Russian Federation" are "absurd, because they relate exclusively to the period of confrontation between Meccans and Medinans in the 7th century. These hadith describe the events preceding the Battle of the Trench in 627, and in no way can be projected onto the present day".

He notes that despite the potential impact of the ruling on the rights of Muslims, not a single representative of a Muslim organisation was invited to or even informed of the court hearing. No expert psycho-linguistic or religious analysis of the book was carried out, and no comparison made of the website text (which he thinks is a poor computer translation) with the original Arabic or with other translations.

"Expert analyses" are often used to justify bans on books and prosecutions (see eg. F18News 20 November 2014 http://www.forum18.org/archive.php?article_id=2017), even though they can contain numerous errors (see eg. F18News 28 February 2013 http://www.forum18.org/archive.php?article_id=1808).

Tugushev pointed out to Forum 18 on 2 December that, while "a large part" of the Federal List does consist of genuinely "extremist" material, other items are there "as a result of a miscarriage of justice", arguing that every case needed analyses by "theologians of the faith to which the book belongs".

A second appeal has also been submitted by Rashid Galejev, chair of the Nadezhda (Hope) Muslim community in Cheboksary (Chuvash Republic), ansar.ru reported on 6 November. "To apply the same yardstick to the analysis of one of Islam's most important ancient texts as to modern leaflets," Galejev argues, "is at least erroneous (thus, for example, the Torah or the Bible may be recognised as 'extremist'), because every believer believes their religion to be exclusive and true".

13 texts in one ruling in Sverdlovsk Region

On 30 June at Artyomovo Municipal Court, Judge Olga Nigmatzyanova upheld the Artyomovo Municipal Prosecutor's request to ban as "extremist" 13 Islamic texts, including some from the Middle Ages. The list includes texts which promote consideration for other people as well as others which may be interpreted as promoting violence, discord and discrimination. Among the list are texts which were in the Orenburg ruling, including the third edition of Said bin Ali bin Waqf al-Qahtani's "Fortress of a Muslim: an appeal to Allah through prayers" and Abu Zakaria bin Saharaf an-Nawawi's "Gardens of the Righteous".

According to the written verdict, seen by Forum 18, the books were seized from an unnamed person by prosecutor's officials, police and FSB security service officers as part of "the preventative operation 'Illegal Migrant'" in 2013. Their owner has not been charged under the "anti-extremism" articles of the Criminal Code, as investigators could not prove that a crime had been committed.

The 2012 Orenburg ruling banning 68 Islamic texts as "extremist" lasted 20 minutes on 21 March and came into force on 27 April, but only became publicly known in mid-June (see F18News 19 June 2012 http://www.forum18.org/Archive.php?article_id=1713). It drew widespread condemnation by Islamic bodies, publishers and human rights groups (see F18News 30 July 2012 http://www.forum18.org/archive.php?article_id=1726).

Analysis by the FSB security service's Sverdlovsk Region criminological laboratory claimed that all the 13 Artyomovo texts contained statements "aimed at promoting the superiority and exclusivity of Islam over other religions, and inciting religious hatred and hostility towards non-Muslims and towards Muslims who depart from the principles of strict monotheism".

Mukaddas Bibarsov, the Mufti of Saratov, wrote on his Facebook page on 11 October that if the hadith collection is banned, "you should ban books of all religions, without exception, because each of us believes his religion exceptional and the truth".

Claims of "superiority" of beliefs and similar terms are used in Russia's legal definition of "extremism", even though the right to make such claims – and assert the merits and demerits of beliefs – is a fundamental part of the internationally recognised human right to freedom of religion or belief (see Forum 18's "extremism" Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1724).

The Artyomovo court verdict names the texts which are objected to, but does not quote the parts found objectionable. Instead, it uses the non-specific language common in "extremism" rulings, e.g. "In this regard, the mass distribution of said materials among unspecified persons may lead to the incitement and spread of social hatred or discord, and also directly violates the ban on 'extremist' activity established by the current legislation of the Russian Federation".

Artyomovo Prosecutor's Office's spokesperson stated on 2 December that he could not discuss the case, referring Forum 18 to the Regional Prosecutor's Office. Prosecutor Rishat Shakirov on 1 December claimed he could not hear Forum 18 in two separate telephone calls. Forum 18 notes that the Prosecutor's hearing problems on both occasions began only after Forum 18 had introduced itself and explained which case it wanted to discuss.

Nobody appealed against the ruling within the one month allowed, so the Judge's decision entered legal force on 5 August, according to the court website. The titles have not yet appeared on the Federal List. Several, however, have already been banned in other

editions.

Video banned

On 21 November, Judge Maksim Ignatovich of October District Court in Vladimir, east of the capital Moscow, granted the City Prosecutor's request to declare "extremist" a video showing an attempted October 2012 seizure by bailiffs of saints' relics from a parish of the Russian Orthodox Autonomous Church (ROAC), which is independent of the Moscow Patriarchate. The video is critical of the Moscow Patriarchate and the far-right Liberal Democratic Party (LDPR) of Vladimir Zhirinovskiy, and was described by prosecutors as having a "hostile, aggressive character". The Moscow Helsinki Group has submitted an appeal to Vladimir Regional Court, which will be heard on 18 December, according to the court websites.

On 3 December, Vladimir City Prosecutor's Office put the phone down as soon as Forum 18 introduced itself.

The video, entitled "Bailiffs' Piety" (Pristavnoye blagochestiye) was made by Mikhail Baranov and Anna Dombrovskaya and posted on portal-credo.ru in January 2013 by the website's editor Aleksandr Soldatov – all three were named as "interested parties" in the case. The 30-minute film was also posted on YouTube. It claims that "The Patriarchate is destroying the Orthodox", and shows bailiffs entering the Church of the Iversk Icon of the Mother of God in Suzdal, east of Moscow, during a service in October 2012 and trying to confiscate the relics of Saints Euphymios and Euphrosynia.

Claims to historical religious property, including ROAC churches in Suzdal, are rarely simple and have long been controversial (see F18News 2 March 2009 http://www.forum18.org/archive.php?article_id=1263). A long legal battle over the relics of the two saints culminated in a July 2014 Constitutional Court appeal ruling that the relics should be handed to Rosimushchestvo (the Federal Agency for State Property Management).

This video's narrative is intercut with footage of LDPR activists demonstrating against the ROAC with banners saying "Return the holy relics" and "Western money doesn't absolve sins". This is set in a context of images from 2011 and 2012 protests in Moscow's Bolotnaya Square against election rigging and a clip of the 2012 Pussy Riot "punk prayer" in Moscow's Cathedral of Christ the Saviour. There is also footage of an interview with Moscow Patriarchate Patriarch Kirill, intercut with images of Nazi Germany's Propaganda Minister Joseph Goebbels, and images from inside a shop at the Trinity-St. Sergius Lavra in Sergiev Posad. These appear to criticise the commercialisation of the Patriarchate with shots of high prices for icons and other goods.

According to a Moscow Helsinki Group report of 24 October, Soldatov denies that the video contains any incitement to violence or infringement of anyone's religious, social or political rights. He thinks that the case against the video may be linked to portal-credo.ru's activities.

Soldatov's lawyer Damir Gainutdinov commented to the Moscow Helsinki Group before the case began on 24 October that an extremism ruling "could lead to restriction of freedom of expression and the blocking of the information resource on which the video was posted [portal-credo.ru]". He also pointed out that, "in theory", administrative or criminal proceedings against Soldatov or the makers of the film could follow.

Jehovah's Witness main website again banned

Jehovah's Witnesses' main international website jw.org has once again been banned as "extremist" in Russia. The site was first banned by a Tver court in August 2013, but Jehovah's Witnesses successfully appealed against the ban at Tver Regional Court in January 2014 (see F18News 27 January 2014 http://www.forum18.org/archive.php?article_id=1920).

On 2 December, Russia's Supreme Court upheld the prosecutors' appeal against the January judgment, the Supreme Court website notes. Jehovah's Witnesses complained to Forum 18 that they had been given no notification of the Supreme Court hearing. The Supreme Court website lists no respondent in the civil suit. The jw.org website has not yet been added to the Unified Register of banned websites.

"Complete insanity" on Sakhalin

Statements of monotheism were apparently enough for prosecutors on the island of Sakhalin to seek an "extremism" ban on "Supplication (du'a) to God: its significance and place in Islam". A copy of this was seized from the premises of the Sakhalin Muslim Community in April during an inspection to check compliance with "anti-extremism" legislation. The case has not yet come to court.

The Mufti of Asiatic Russia, Nafigulla Ashirov, on 26 October described the potential Sakhalin case to islam.ru as "complete insanity" for being based on verses of the Koran. "In that case, you should prohibit Academician Ignaty Krachkovskiy's translation [used in the book], the best known Russian translation of Muslims' holy scriptures from Soviet times".

The text seized from the Sakhalin Muslim Community consists of selected verses from the Koran with accompanying commentary.

Yelena Korolyova, a linguistic analyst at the Sakhalin police force's Expert Criminology Centre, claimed that the book contains statements promoting the superiority of a particular group of people on the basis of religion. In her 14 April report, seen by Forum 18, she emphasises parts of some verses of the Koran such as "glory belongs to the one God", "It is You we worship and You we ask for help" (from Surah Al-Fatihah, 1:5), "There is no god but He!" and "He only passes judgement" (from Surah Al-Qasas, 28:88).

Muslim lawyer Tugushev, who is following the case, expressed concern that an "extremism" ruling may lead to another attempt to outlaw a full Koran translation. "If they ban the first [separate verses], then it is not impossible that they will consequently ban the second [the full translation]," he commented to ansar.ru on 28 October.

Prosecutors did not specify who exactly may be harmed by this text, Forum 18 notes. In the suit submitted to Yuzhno-Sakhalinsk City Court on 18 April, also seen by Forum 18, City Prosecutor Aleksandr Yerzikov claims that "The dissemination of this book, which contains the promotion of the superiority and advantages of a person or group of persons over other people, based on their religious affiliation (Islam) is detrimental to the rights, freedoms and legitimate interests of other (non-Muslim) communities. This group of people cannot be determined".

Between 1 and 3 December Yuzhno-Sakhalinsk City Prosecutor's Office did not answer their telephones when Forum 18 rang. Yuzhno-Sakhalinsk City Court officials similarly did not answer their telephones.

The Court has ordered further psycho-linguistic analysis of the book, only after which a hearing will be scheduled, Ilhom Merazhov, an imam of the Spiritual Administration of Muslims of Asiatic Russia, told Forum 18 on 26 November. He described the attempts to ban religious texts as "completely absurd". (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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