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RUSSIA: Religious literature banned and blocked

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

Outrage among Muslims followed the August banning by a Sakhalin court of a Koranic commentary as "extremist", apparently basing the decision on statements of monotheism in Koranic verses. Three appeals have now been lodged, one of them by the Prosecutor's Office which requested the original ban. Widespread public protests have been successful following earlier religious literature banning cases in Russia, Forum 18 News Service notes. Jehovah's Witnesses in Belgorod have failed to overturn both a ban on two more of their publications and an order that they should pay for the court-ordered "expert analysis" used to prove the texts' "extremism". Muslims in Pervouralsk have failed to overturn a decision that the FSB security service will conduct an "expert analysis" of works prosecutors are seeking to have banned as "extremist", again at the expense of the religious community. And Jehovah's Witnesses have failed to overturn a ban on 4,000 of their Bibles and other literature confiscated at the border as "supposedly prohibited from being imported".

In a clutch of recent cases, religious believers and communities have so far failed to overturn court-ordered bans and import denials for religious literature prosecutors claim is or might be "extremist", Forum 18 News Service has learned. At least three appeals against a ban on a Koranic commentary - which provoked widespread Muslim outrage in Russia - have been lodged in Sakhalin in Russia's Far East. Muslims and Jehovah's Witnesses have failed to overturn other bans or are still battling to prevent them.

In at least two cases, the religious communities have been required to pay for the "specialists" who will conduct the "expert analyses" to be used for the prosecution, even though the communities do not want the "expert analyses" and did not initiate the court proceedings to have the works banned (see below).

Any Russian court can declare a work (book, leaflet, song, slogan, video, website or webpage) "extremist". The Justice Ministry is then empowered to place such a work on its Federal List of Extremist Materials. Numerous Muslim and Jehovah's Witness works have been placed on the list, together with several Falun Gong and one Catholic publication (see F18News 20 March 2015 http://www.forum18.org/archive.php?article_id=2049).

Ownership of a work on the list can lead to prosecution under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials") for any individual or organisation found in possession of even one copy. In May fines for possession of "extremist" materials were sharply increased (see F18News 15 May 2015 http://www.forum18.org/archive.php?article_id=2062). During 2014, 65 individuals and religious communities are known to have been prosecuted for possession of allegedly "extremist" religious literature (see F18News 31 March 2015 http://www.forum18.org/archive.php?article_id=2052).

Widespread public protests have been successful following earlier religious literature banning cases. Following protests from local human rights activists as well as a public outcry in India, a Public Prosecutor in the Siberian city of Tomsk failed to ban the Russian translation of "The Bhagavad-gita As It is" in 2012 (see F18News 21 March 2012 http://www.forum18.org/Archive.php?article_id=1682). A controversial ban on a popular Russian translation of the Koran was overturned on appeal in December 2013 in Krasnodar (see F18News 27 January 2014 http://www.forum18.org/archive.php?article_id=1920).

In 2015, 50 of 68 Muslim texts declared "extremist" in Orenburg had the designation overturned, though it took several months for the works to be removed from the Federal List (see F18News 27 July 2015 http://www.forum18.org/archive.php?article_id=2084).

Sakhalin: Three appeals against Koranic commentary ban

A Koranic commentary has been banned as "extremist" on the Far Eastern island of Sakhalin, causing alarm among Muslim leaders who see the verdict as effectively outlawing certain verses of the Koran. Judge Natalya Perchenko passed the ruling on "Supplication (du'a) to God: its significance and place in Islam" on 12 August at Yuzhno-Sakhalinsk City Court, apparently basing the decision on statements of monotheism in Koranic verses.

At least three appeals have since been lodged – one by Ravil Tugushev, a Muslim lawyer who has acted in similar cases, one by Chechen leader Ramzan Kadyrov, and in a twist, one by Yuzhno-Sakhalinsk Prosecutor's Office, which originally requested the ban.

No appeal hearings have yet been scheduled.

The Prosecutor's Office insists the Judge "came to the wrong decision", since "only the opinion of the author, and not verses of the Koran" ought to have been banned, court chair Aleksandr Chukhrai told TASS news agency on 14 September. This is despite the fact that in the original suit of 18 April 2014, seen by Forum 18, city prosecutor Aleksandr Yerzikov makes no such distinction, and simply asks the court "to recognise the book "Supplication (du'a) to God: its significance and place in Islam" as extremist".

Telephones at Yuzhno-Sakhalinsk City Prosecutor's Office went unanswered when Forum 18 called on 18 September.

Rushan Abbyasov of the Council of Muftis has called the ruling "a disgrace for Russia". "The reason for the recognition of the book as extremist was the first verse of the Koran," he told the znak.com news website on 10 September. "With this verse half a billion Muslims around the world begin their daily prayers. No one over 15 centuries has had any question about it, and suddenly a municipal court makes this decision".

According to the verdict, seen by Forum 18, the court appointed Tatyana Tabachenko, a Russian-language expert from Sakhalin State University, to perform linguistic analysis, and an unnamed specialist of the Far Eastern State University to provide psychological examination of the text. They asserted that the book contained "statements of a hostile, aggressive, destructive character towards people of other confessional groups (ie. all those who do not believe in Allah)" and statements "promoting the exclusivity, superiority or inferiority of a person according to his social, national or religious affiliation".

Although both this psychological expert and another psychologist consulted by the city prosecutor also claimed that the text did not call for or justify extremist actions, Judge Perchenko concluded that it contained "a hidden call to commit unlawful, extremist actions, which in the opinion of the court is socially dangerous to civil society, insofar as it can create a positive view of extremism, influence people's world-view, manipulate and direct them, and as a consequence, led to the formation of extremist beliefs and stereotypes of behaviour, aimed at undermining the constitutional order of the Russian Federation".

Imam Abdulmalik Mirzoyev of the Sakhalin Muslim Community testified in court that the purpose of the book was to "help Muslims correctly express their wishes to Allah" and it was therefore not extremist. The court decided, however, that his testimony should have no influence on its decision, as he was a member of the Muslim community which used the book and thereby had a vested interest in the outcome of the case.

The book was seized from the premises of the Sakhalin Muslim Community in April 2014 during an inspection to check compliance with "anti-extremism" legislation, and in the same month prosecutors submitted a request to have it declared extremist (see F18News 3 December 2014 http://www.forum18.org/archive.php?article_id=2020). Judge Perchenko adjourned the case in October 2014 and January 2015, and ordered further analysis of the text to be carried out (see F18News 20 March 2015 http://www.forum18.org/archive.php?article_id=2049).

Nafigulla Ashirov, Mufti of Asiatic Russia, lodged an objection to the court (which Forum 18 has seen) pointing out that the statements of monotheism highlighted in Korolyova's analysis are similar to certain Biblical verses. He maintained that all Russia's so-called "traditional religions" claim an inherent superiority of their beliefs over those of other faiths.

The freedom to make claims about the relative merits or demerits of religious or non-religious views is a central part of the internationally-recognised right to freedom of religion or belief, Forum 18 notes. Nevertheless, Russian prosecutors frequently view exercising the freedom to make these claims as grounds for prosecution.

Call to exempt "sacred texts"

On 15 September, the Committee on Public Affairs and Religious Organisations of the State Duma, the lower house of parliament, held a meeting with religious figures in Moscow. Afterwards they issued a statement "on the inadmissibility of prosecution of the sacred texts of the traditional religions of the Russian Federation and the need to adopt a number of legislative and other measures".

Among the proposed measures are the clarification by the Supreme Court to lower courts of a "more careful approach" in cases involving religious texts, some legislative amendments, and the appointment of more competent specialists to perform "expert analysis".

"Let us hope that at last district courts will be given an explanation as to the inadmissibility of banning the religious texts of Russia's traditional religions," lawyer Tugushev commented on his Facebook page on 17 September. At the same time he complained that the Duma committee had invited no lawyers to the meeting "who have experience of challenging unlawful decisions".

Kurgan: two Jehovah's Witness texts outlawed

After court proceedings lasting nearly 15 months, two more Jehovah's Witness texts – "Keep Yourselves in God's Love" and "Receive God's Spirit, Not the World's" – have been banned from distribution in Russia. Judge Sergei Shaporin of Kurgan City

Court upheld the city prosecutor's suit on 1 September. No written verdict has yet been made public.

Judge Shaporin halted the case three times to order fresh "expert analysis" after objections from both prosecutors and lawyers for the Watchtower Society, a Jehovah's Witness organisation. On 23 July, Jehovah's Witnesses appealed to Kurgan Regional Court to overrule the latest appointment of experts, from the "Centre for Socio-Cultural Analysis", but were unsuccessful.

According to the Centre's analysis, quoted in a press statement of 4 September by the Kurgan Regional Prosecutor's Office, "the ideas promoted by the authors of the books are clearly extremist because they are aimed at inciting religious hatred and enmity towards people who are not part of the Jehovah's Witness religious organisation".

Vyborg: Jehovah's Witness texts blocked at border

Since March 2015, Russian customs officials have "groundlessly blocked the importation into Russia of Jehovah's Witness liturgical literature, including two consignments of Bibles in Russian and Ossetian", the Jehovah's Witness Administrative Centre complained on 1 September. Attempts to challenge these actions have so far proved unsuccessful.

Jehovah's Witnesses have printed Bibles, books, and other materials in Germany and imported them via Finland into Russia for more than 20 years. However, this year Russian customs officials have stopped and confiscated them at the Finnish border because they are "supposedly goods supposedly prohibited from being imported into the territory of the Russian Federation". Jehovah's Witnesses contend, however, that none of the texts impounded has been ruled "extremist" in Russia, and have attempted to have the customs officials' actions declared illegal in the arbitration court.

"The most puzzling obstacle is to the importation of Scripture - the Bible. In total, Russia has not admitted about 4,000 copies of the Bible," the Administrative Centre complained. It attributes the problem to "arbitrary interpretation" of the Extremism Law.

The books and brochures were eventually confiscated and a case opened against the Finnish Jehovah's Witness organisation under Administrative Code Article 16.3, Part 1 ("Non-observance of Customs Union rules on goods banned or limited 'on the basis of national interests and objectives'"). This punishes organisations with fines of 100,000 to 300,000 Roubles. (100,000 Roubles is equivalent to 12,300 Norwegian Kroner, 1,300 Euros or 1,500 US Dollars.) On 23 July, Vyborg City Court found against the Finnish Jehovah's Witness organisation and handed down a fine, according to court records.

The Jehovah's Witness Russian and Finnish branches lodged suits at St Petersburg and Leningrad Region Arbitration Court to have the customs officials' actions declared illegal. However, on 1 September the Court rejected one suit and postponed another, according to the court decisions seen by Forum 18. The suits related to two separate shipments of literature which should have entered Russia through the Vyborg border crossing.

Judge Sergei Rybakov ruled that customs officials were justified in searching cargo they believed to pose a risk and denying entry to "goods, supposedly prohibited from importation into Russia". The load and its driver were held up at the border for more than two weeks in May 2015 as repeated inspections were carried out.

The second Arbitration Court suit will now be heard on 3 November, once the plaintiffs have provided all necessary documentation.

Pervouralsk: Challenge to FSB "experts" rejected

Muslims in the Urals town of Pervouralsk have failed in their attempt to challenge a judge's decision to allow the FSB security service to carry out "expert analysis" of two Islamic texts prosecutors are seeking to ban, and have the Muslim community pay for it.

The books – "Selected Hadith" compiled by Indian-born Islamic scholar Muhammad Yusuf Kandahlawi and "Is the Doctrine of the Trinity Divinely Inspired?" by Muhammad Ameen Cave – are the subjects of two separate suits submitted to Pervouralsk City Court in March 2015. On 18 May, Judge Natalya Kukushkina ordered a repeat examination of the texts.

The Sabr Muslim community and its parent organisation, the Kazyyatskoe Administration of Muslims, appealed to Sverdlovsk Regional Court on 16 July and 4 August to overturn the obligation to pay for this analysis and the choice of experts from the FSB security service, but their challenge was dismissed, according to court records.

Asked by Forum 18 on 18 September why the books were considered dangerous, a spokesperson for Pervouralsk City Prosecutor's Office would say only that the prosecution's position would be given in the court hearings. She did not know when proceedings would resume.

The books were seized from Sabr's mosque in Pervouralsk during a law enforcement inspection in 2014, carried out to check compliance with "anti-extremism" legislation. FSB specialist Svetlana Mochalova performed linguistic analysis of the texts and concluded that both promote "the religious superiority of Islam over other religions" and incite "religious hatred".

The right to believe in the inherent truth and superiority of one's own faith is part of the right to freedom of religion and belief. Islamic theologian Ilhom Merazhov, an expert witness in the case, argues that this "cannot by itself be regarded as an act aimed at inciting hatred or enmity" (see F18News 8 June 2015 http://www.forum18.org/archive.php?article_id=2071).

Belgorod: Unsuccessful appeal against ban

At Belgorod Regional Court on 11 June, Jehovah's Witnesses failed to overturn a ban on two of their brochures. Judge Svetlana Samygina upheld the 4 March district court ruling that "The Son Will Reveal The Father" contained "propaganda of exclusivity and calls for inciting religious hatred", and that "Was Life Created?" included references to the "Book For All", already banned by Rostov Regional Court in 2009 (see F18News 8 June 2015 http://www.forum18.org/archive.php?article_id=2071).

The Regional Court also upheld the order that the Administrative Centre of Jehovah's Witnesses in Russia should pay 15,000 Roubles to cover the cost of "expert analysis" of the texts, which was carried out by Belgorod State University (see F18News 20 March 2015 http://www.forum18.org/archive.php?article_id=2049). (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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