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RUSSIA: Literary analyses key to Hizb ut-Tahrir convictions

By Geraldine Fagan, Forum 18 (<https://www.forum18.org>)

Analyses of publications has been a key element in criminal prosecutions brought against alleged Hizb ut-Tahrir members, some of whom have been jailed, Forum 18 News Service has found. These have been conducted by Russian academics, including a former scientific atheism lecturer. Vitali Ponomarev of the human rights group Memorial has closely followed many of the trials, and he commented to Forum 18 that "if someone speaks about the caliphate or has the organisation's literature, that would automatically be considered proof of membership. (...) in most cases this isn't examined – normally there is just a witness who says that the accused gave them literature and asked them to join, or talked about the caliphate." However Georgi Engelhardt, who researches militant Islam at the Russian Academy of Sciences, told Forum 18 that, for him, dissemination of Hizb ut-Tahrir literature was sufficient proof of membership. "It demands a certain sharing of views – the person is not a paid postman. You need to be quite motivated to be connected with Hizb ut-Tahrir."

Some of the criminal prosecutions against alleged Hizb ut-Tahrir members have relied largely or solely upon the basis of literary evidence, Forum 18 News Service has found. In one recent case, a 'religious studies expert analysis' by a former scientific atheism lecturer contributed to lengthy prison sentences, while his similar conclusions in a 2003 Islamic extremism investigation were insufficient for charges to be brought.

To date 46 Muslims in Russia have been convicted for membership of Hizb ut-Tahrir, an Islamic political party that claims to reject violence, and which has had many of its members imprisoned in Central Asia (see F18News 29 October 2003 http://www.forum18.org/Archive.php?article_id=170 and 16 February 2004 http://www.forum18.org/Archive.php?article_id=253). Forum 18 has noted the presence in Hizb ut-Tahrir publications of violently antisemitic views, and its denial of key human rights such as religious freedom (see F18News 10 April http://www.forum18.org/Archive.php?article_id=755).

Hizb ut-Tahrir has been banned as a terrorist organisation by Russia's Supreme Court (see F18News 10 April 2006 http://www.forum18.org/Archive.php?article_id=755 and http://www.forum18.org/Archive.php?article_id=756). Many of those charged in Russia with membership maintain that they are being persecuted for their religious beliefs by the authorities (see F18News 18 April 2006 http://www.forum18.org/Archive.php?article_id=761).

Interviewed by Forum 18 on 23 January, Vitali Ponomarev - who as Central Asian programme director at Memorial Human Rights Centre has closely followed many of the prosecutions – said that the judiciary generally pays very little attention to proving whether the accused is a member of Hizb ut-Tahrir. "If someone speaks about the caliphate or has the organisation's literature, that would automatically be considered proof of membership. If someone is a member, they must pay dues, participate, not just swear an oath, but in most cases this isn't examined – normally there is just a witness who says that the accused gave them literature and asked them to join, or talked about the caliphate." During one trial the prosecution even maintained that the accused had tried to recruit Ponomarev himself, he told Forum 18, "and I'm not a Muslim!"

While the February 2003 Supreme Court decision is in itself sufficient grounds to bring terrorism charges against alleged Hizb ut-Tahrir members, expert literary analysis of Islamic literature has featured more prominently in several trials.

As part of the evidence in the Tobolsk case (see F18News 18 April 2006 http://www.forum18.org/Archive.php?article_id=761), the Ministry of Justice's Urals State Regional Centre for Judicial Expert Analyses produced a detailed study of religious and other literature confiscated from the accused, which has been seen by Forum 18. In the religious studies section of the analysis, former scientific atheism lecturer Vladimir Viktorov, of Maksim Gorky Urals University, maintains that all the literature "propagandises the idea of the superiority of Islam, and therefore Muslims over other religions and the people who adhere to them." He concludes that "the realisation of the religious ideals of Hizb ut-Tahrir presupposes the use of violence and armed struggle – this gives grounds to consider the given organisation terrorist, and the propaganda of its ideas, the propaganda of terrorism. The call to the universal Islamisation of humanity, to the creation of a universal Islamic caliphate, signifies nothing less than propaganda for coups d'etat and violent change in the state and social order of every country."

Sergei Kunshchikov of the same university similarly maintains in his political expert section of the analysis that, although the examined Hizb ut-Tahrir literature does not indicate how the organisation proposes to restore the Caliphate, "the very nature of the

aims presented presupposes the violent nature of their realisation." He argues that "The Political Concept of Hizb ut-Tahrir" both contains "elements of militant Islamic propaganda" but inexplicably "does not propagandise terror," and that, while making no mention of Hizb ut-Tahrir, literature with possibly extremist content "fully conforms with the ideology of the party."

Forum 18 notes that former scientific atheism lecturer Viktorov was also asked to conduct an expert analysis of literature seized from Yekaterinburg-based Muslim organisation Rakhman in early 2003. One of his criticisms of the allegedly extremist material – according to Rakhman representative Ruslan Nurmametov, "prayer books, introductions to Islam and commentaries on the Koran" – was that it "belittled the national dignity of Christians." Nurmametov and his colleague Danis Davletov were subsequently given official warnings, but no criminal case was opened against them due to insufficient evidence (see F18News 14 September 2004 http://www.forum18.org/Archive.php?article_id=410).

Following the 12 December 2004 distribution at a Kazan (Tatarstan) market of leaflets criticising the Russian law enforcement agencies' actions against Hizb ut-Tahrir, the public prosecutor's office for the city's Vakhitov District commissioned an expert analysis of literature taken from the homes of several unidentified suspected distributors. In the analysis, a copy of which has been seen by Forum 18, several local academics were asked to establish whether the literature contained incitement to religious or ethnic hatred, calls to overthrow the state order and create illegal armed units or encouragement of extremist activity.

In her 24 March 2005 conclusion, linguist Tamara Gubayeva finds that parts of an issue of Al-Vai (Awareness) journal and an audiocassette are extremist as they "aim to publicise information based upon justifying national exclusivity." The Al-Vai journal, she notes, depicts America as the main enemy of Muslims and "aims to negate western culture, offering instead the fundamental values of a particular religious culture of Islam" as proclaimed by Hizb ut-Tahrir. Gubayeva writes: "Thus a choice is required – either the religion of Allah or the religion of America' – such statements are dissemination of ideas aimed at inciting national intolerance, social and religious hatred in relation to representatives of other, non-Muslim cultures."

In her conclusion, academic Svetlana Yakovleva sees Al-Vai's determination of the external world as hostile to Muslims and the idea of founding an Islamic state as "indicative of incitement to religious hatred." She also views the following statement as a call to arms: "Today in order for the deed of Islam to be completed all is needed is the appearance of an Islamic state, which would prepare an invincible Muslim army. This army would open countries and the hearts of people who would consequently flock to Islam."

Also in Tatarstan, on 6 April 2005 Almetyevsk City Court convicted Eldar Khamzin, Ildar Shaikhutdinov, Eduard Nizamov, Airat Nurullin and Tagir Fairuzov of extremist activity (under Article 282-2 of the Criminal Code) and gave them one and two year suspended sentences respectively, solely on the basis of Hizb ut-Tahrir and other literary evidence. In court Fairuzov and Nurullin reportedly rejected the witness statements they had previously made, claiming to have given them under duress, and Nurullin also stated that he had never been a member of Hizb ut-Tahrir or distributed the organisation's leaflets.

According to a 12 February report in the official government newspaper Respublika Tatarstan, however, the local FSB security service maintained that, despite the February 2003 Supreme Court decision banning Hizb ut-Tahrir, "its members distributed leaflets with extremist content, and Nurullin and Shaikhutdinov are charged with enticing young people into the activity of a banned organisation and collecting funds for it."

While also accused of terrorism and unlawful possession of weapons (Articles 205 and 222 of the Criminal Code), suspected Hizb ut-Tahrir members Fanis Gainutdinov, Umid Abdullayev, Akramzhon Mamatkarimov and Ildar Bulatov were given punishments of up to five years' imprisonment by Samara's Industrial District Court on 14 November 2005 primarily for "producing and distributing literature aimed at incitement of ethnic hatred [Article 282 of the Criminal Code] and undermining the authority of the judicial and executive organs," according to a report on the trial in Kommersant daily newspaper.

Present at the trial, Yelena Ryabinina of Memorial's Civil Assistance Committee told Forum 18 on 23 January 2006 that, when one defendant claimed to have looked on the Internet to see what Hizb ut-Tahrir was about after hearing it was banned and thereby learnt that Islam was a religion of peace, the judge replied: "But what about Beslan?" As stated in the Kommersant report, Judge Aleksei Bobrov explained to the court that a "politological-linguistic expert analysis" had established that the literature circulated by the four "preached the idea of a worldwide caliphate and distorted the ideas of traditional Islam."

In his 16 May 2005 evaluation of Hizb ut-Tahrir literature, Sheikh Nafigulla Ashirov, who heads the Spiritual Directorate of Muslims of Asian Russia, criticised "the non-legal use of phrases such as 'calls in a hidden form' and 'indirect promotion of incitement to hatred' in trials of the organisation's alleged members. "The opening of criminal cases based upon such blatant logical errors and unfounded conclusions on brochures and followers of a religious theoretical viewpoint," he maintained, was a violation of the 1997 Religion Law's guarantees of religious freedom.

The state authorities have rejected this criticism as in itself supportive of a banned terrorist organisation. On 26 February 2006 Moscow public prosecutor's office wrote to Memorial Human Rights Centre demanding the removal from its website of Ashirov's analysis within three days (see F18News 10 April 2006 http://www.forum18.org/Archive.php?article_id=756).

In an interview with Forum 18 on 24 January, Georgi Engelhardt, a researcher into militant Islam at the Russian Academy of

Sciences, remarked that, for him, dissemination of Hizb ut-Tahrir literature was sufficient proof that a person belonged to the organisation. "It demands a certain sharing of views – the person is not a paid postman. You need to be quite motivated to be connected with Hizb ut-Tahrir." (END)

For a personal commentary by an Old Believer about continuing denial of equality to Russia's religious minorities see F18News http://www.forum18.org/Archive.php?article_id=570

For more background see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=509

A printer-friendly map of Russia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=russi>

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