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RUSSIA: Two "extremism" bans overturned - but bans, fines continue

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A Krasnodar court has overturned a ban on a popular Russian translation of the Koran (though the court has still not issued the written ruling), while a Tver court has overturned a ban in Russia on the main Jehovah's Witness international website. Yet bans on religious literature amid controversial "extremism" accusations continue, Forum 18 News Service notes. Four more Jehovah's Witness texts were ruled "extremist" in December 2013. And no moves have taken place to lift a less publicised "extremism" ban on 68 Islamic texts, Nirzhigit Dolubayev, a lawyer representing one of the publishers in the case, told Forum 18. Fines continue on mosques and individuals for possessing any of the 68 books – which include collections of hadiths [sayings of the Islamic Prophet Mohammed].

Despite the overturning on appeal of a controversial ban on a popular Russian translation of the Koran, and the overturning of a separate court-ordered ban on the main Jehovah's Witness website, no moves have taken place to lift a less publicised "extremism" ban on 68 Islamic texts. These texts include collections of hadiths [sayings of the Islamic Prophet Mohammed]. In addition, four more Jehovah's Witness texts were ruled "extremist" on 23 December 2013, Forum 18 News Service notes.

Widespread publicity and strong Muslim protest appear to have been instrumental in the 17 December 2013 Krasnodar court overturning of the lower court ban on the translation of the Koran by Azerbaijani scholar Elmira Kuliyeva. A court on 22 January 2014 overturned the ban on the official international website of the Jehovah's Witnesses (see below).

The Krasnodar case has brought no legal change stopping further cases being brought against Koranic texts, however. Forum 18 also notes that, in the light of ongoing efforts to ban other Islamic material, it seems unlikely there will be much effect on the application of the 2002 Extremism Law to Islamic literature in general.

No move in Orenburg appeal

Suggesting that the Krasnodar ruling does not herald a new lenient trend, the state has not rushed to overturn a similar, March 2012 ruling against 68 Islamic texts by Lenin District Court in Orenburg. The texts – all on the Federal List of Extremist Materials - include another work by Kuliyeva, collections of hadiths and Said Wahf Al-Qahtani's "Fortress of the Muslim", found by Forum 18 to be entirely peaceful.

The case similarly sparked outrage among Russian Muslims, including from the Council of Muslims, one of Russia's leading Islamic bodies (see F18News 19 June 2012 http://www.forum18.org/archive.php?article_id=1713).

After a delay caused by the 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. There have still been no further developments, however, Nirzhigit Dolubayev, a lawyer representing one of the publishers in the case, told Forum 18 on 10 January 2014.

Prosecutions

Prosecutions in relation to the 68 texts continue. Nadym Town Court fined Azat Safa Mosque the huge sum of 50,000 Rubles (9,000 Norwegian Kroner, 1,000 Euros or 1,500 US Dollars) on 15 December 2013 after law enforcement agents found a copy of an-Nawawi's "40 Hadiths" on its premises, Yamalo-Nenets Autonomous District Public Prosecutor's Office reported. The community's imam, Izmagil Gazizov, received a lesser fine of 2,000 Rubles. Both fines were for "production and distribution of extremist materials" (Administrative Code Article 20.29). A spokesperson at Nadym Town Court refused to confirm to Forum 18 on 23 January whether these fines had been paid.

The mosque does not appear to be out of favour with the state authorities. Gazizov is listed – along with a Russian Orthodox Church (Moscow Patriarchate) cleric – on the website of Nadym District's Interior Ministry Department as being a member of its Public Committee. Responsible for the mosque's construction and chair of its community, Azat Safin is a local representative of the

pro-Putin United Russia political party, according to Islamnews.ru.

Safin's business secretary told Forum 18 on 20 January that he was in a meeting and to call back the next day. Reached again on 22 January, the secretary said he was away for several days. Repeated calls to Safin's mobile phone went unanswered before returning a recorded message saying the number was temporarily blocked.

Also in Yamalo-Nenets Autonomous District, imam Ilfir Mansurov of Muravlenko's main mosque was fined 2,000 Rubles under Article 20.29 at Muravlenko Town Court on 24 December 2013, the court website noted. Imam Mansurov was prosecuted for keeping unspecified books among the 68 Orenburg titles in the classroom of his mosque, Yamalo-Nenets Autonomous District Public Prosecutor's Office reported on 31 December 2013.

During an FSB raid on a mosque in Tuzlukushevo (Orenburg Region) on 17 September 2013, officers seized a copy of an-Nawawi's "40 Hadiths" from the literature cupboard of the mosque's prayer hall. The imam, Ilfat Sharipov, was also charged under Article 20.29, according to the court decision seen by Forum 18. On 28 November 2013 he was fined 2,000 Rubles, the website of Ilek magistrates' court notes. The book was confiscated. Unusually for cases of this kind, the Tuzlukushevo mosque is affiliated with the Central Muslim Spiritual Board, which is headed by pro-Kremlin Mufti Talgat Tadzhuiddin.

A copy of Al-Qahtani's "Fortress of the Muslim" – also among the 68 Orenburg texts – was confiscated from a Ukrainian citizen entering Russia through the Port Kavkaz seaport in Krasnodar Region, Vera Androshchuk of Krasnodar Transport Prosecutor's Office told livekuban.ru on 9 December 2013. Officials at the Prosecutor's Office refused to tell Forum 18 on 27 January 2014 whether the threatened administrative prosecution of the Ukrainian had taken place.

Another copy of "Fortress of the Muslim" had been seized from a Russian citizen returning from Jordan through Mineralnye Vody Airport (Stavropol Region), according to a corresponding 11 March 2013 confiscation order issued by Mineralnye Vody Town Court and seen by Forum 18.

Also at Port Kavkaz seaport, customs officers from the Department Against Especially Dangerous Types of Contraband confiscated ten "extremist" Jehovah's Witness titles from a traveller entering from Ukraine in February 2011, according to a corresponding 21 September 2011 ruling by Temryuk District Court seen by Forum 18.

More Jehovah's Witness material ruled "extremist"

Courts continue to take action against Jehovah's Witness literature. Another text - "Will You Follow Jehovah's Loving Guidance?" – was added to the Federal List on 17 December 2013 (No. 2170). It is the 70th Jehovah's Witness title to feature on the List. "Will You Follow Jehovah's Loving Guidance?" was ruled "extremist" by Krasnoyarsk's Soviet District Court on 24 January 2013 (see F18News 25 October 2013 http://www.forum18.org/archive.php?article_id=1890).

Four more Jehovah's Witness texts – "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" – were ruled "extremist" by Kurgan City Court on 23 December 2013, according to the Court's website. They have yet to be added to the List.

These four "extremist" texts alleged "the superiority of the Jehovah's Witness doctrine" and the "falsity of other creeds and churches", the General Prosecutor's Office reported on 13 January 2014. The same confusion between claiming the superiority of particular people and claiming the superiority of particular views - a central part of freedom of religion or belief - is made in every attempt to ban allegedly religious extremist literature in Russia with which Forum 18 is familiar.

"Obvious absurdity"

The ban on the Koran translation was overturned due to Muslims' "mounting protests", including active legal protests, as well as "the obvious absurdity of the ruling," Akhmet Yarlykapov, a Moscow-based specialist on Islam at the Centre for Ethnopolitical Studies within the Russian Academy of Sciences, told Forum 18 on 20 January.

With the Sochi Winter Olympics due to begin on 7 February, the Kremlin "does not need unnecessary scandals" in Krasnodar Region, where the ban on the Koran translation was issued, he suggested.

The original, 17 September 2013 banning of the Koran translation – by Azerbaijani scholar Kuliyyev - led to widespread condemnation from Muslims, with protests in Moscow, Tyumen, Chelyabinsk and Ingushetia, local news agencies reported in September and October 2013.

The successful appeal against the ban is indicative of Russian Muslims' increased legal awareness and confidence, Ravil Tugushev, one of the appeal lawyers in the case, argued in a 22 December blog post. The "historic" 17 December 2013 verdict marks an end to attempts to prohibit the Koran in Russia, he suggested.

After the ban on Kuliyeu's translation, President Vladimir Putin for the first time criticised the practice of banning religious literature on the grounds of "extremism". "This is not always successful, and indeed, often has the opposite effect," he remarked to Muslim leaders at a 22 October 2013 meeting in Ufa (Bashkortostan Republic) (see F18News 25 October 2013 http://www.forum18.org/archive.php?article_id=1890).

The banning of a popular translation of Islam's central religious text would have had wide legal implications for mosque congregations and individuals in possession of copies. Some Muslims feared that the ruling, if upheld, would open the way for more prohibitions of other versions of the Koran.

No legal change

The Krasnodar case has brought no legal change stopping further cases being brought against Koranic texts, however. The controversial ban was overturned by Krasnodar Regional Court. "The court has adopted a new ruling – to refuse the prosecutor this blasphemy," Murad Musayev, a lawyer representing Kuliyeu, remarked from the courtroom via Facebook immediately after the Court ruled on 17 December 2013.

The decision countermanded the 17 September 2013 verdict by October District Court in Novorossiisk (Krasnodar Region). This decreed that the text was to be added to the Federal List, prohibiting its distribution in the Russian Federation, and that the copy brought to the attention of the court should be destroyed. Musayev, Tugushev and other lawyers mounted four appeals on behalf of various Muslim bodies. Kuliyeu did not attend the hearing.

A spokesperson at Krasnodar Regional Court confirmed to Forum 18 on 20 January that the ban on Kuliyeu's translation had been overturned on 17 December 2013, but added that the full decision has not yet been published. She expected this would happen, but was unable to tell Forum 18 when, or indeed why the ban had been overruled. Kuliyeu lamented to Forum 18 from the Azerbaijani capital Baku on 25 January that a copy of the verdict had not yet been sent to him, despite repeated requests.

Lawyer Tugushev made details of the 17 December hearing public on his blog: lawyer Musayev pointed out flaws in the investigative report of the Koran translation used in the initial case in Novorossiisk, including that the report's author had no knowledge of Arabic. Tugushev (representing the Volga Muslim Spiritual Directorate), Sultan Zafesov (representing Mufti Askarbi Kardanov of Krasnodar Region and Adygeya) and Ruslan Bartcho (also of Adygeya Republic) then spoke on procedural violations, such as that no Islamic organisations were informed of the first court case. They also argued that the 10 minutes proceedings took were insufficient for all necessary court formalities to be observed.

Tugushev pointed out to Forum 18 on 14 January that Novorossiisk Transport Prosecutor's Office may seek to challenge the appeal ruling, although "their chances are almost zero".

Calls to Oksana Zotova at Novorossiisk Transport Prosecutor's Office went unanswered each time Forum 18 rang between 20 and 22 January.

Koran translations seized

Although the Novorossiisk court's ban did not come into force while appeals were pending, this did not stop the verdict from being acted upon. Police seized 15 copies of Kuliyeu's Koran translation on 2 October 2013 from two shops at a market in the town of Cherkessk (Karachai-Cherkessia Republic), the Interior Ministry website noted the following day. Two stallholders were charged for "production and distribution of extremist material" (Article 20.29 of the Administrative Code). However, the case was soon dropped and the books returned on 7 October, Kavkazsky Uzel website reported.

It remains unclear why the Novorossiisk case was brought. Kuliyeu's translation of the Koran has been widely used in Russia for more than a decade and does not differ significantly from other Russian versions of the Koran. This was not the first time, however, that this translation has encountered opposition from some in Russia's Muslim establishment. In September 2008 it was included in a list of texts with "canonical mistakes", "not approved" by the Muslim Spiritual Directorate of Dagestan, which keeps tight control over Islamic literature in that North Caucasian republic (see F18News 26 May 2010 http://www.forum18.org/archive.php?article_id=1450).

Widespread publicity previously helped to prevent a key text for Krishna devotees from being ruled "extremist" in Russia. 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).

Website ban overturned

On 22 January 2014, Tver Regional Court granted an appeal by Watchtower Bible and Tract Society of New York, Inc. against a ban on the Jehovah's Witnesses' official website jw.org. "The [original] judicial panel did not establish legal grounds for deeming the

site extremist material", a court official told Rossiiskaya Gazeta on 23 January.

The decision to prohibit the site on grounds of "extremism" was taken by Tver's Central District Court in August 2013, after FSB and police investigators found the site to contain seven texts on the Federal List. Although a Russia-wide ban did not come into force while the appeal was pending, local court prohibitions on the website meant that it was already blocked in some regions, such as Buryatia Republic (see F18News 27 September 2013 http://www.forum18.org/archive.php?article_id=1879).

Appeal lawyer Aleksandr Filin welcomed the reversal of the ban as an indication of "the intention of the Russian Federation to fulfill its international obligations to ensure the freedom of the Internet and, more importantly, the freedom of religion".

Baptist fine overturned

No translation of the Bible has yet been ruled "extremist". However, Baptist Aleksandr Bannykh was sentenced to a fine of 20,000 Rubles by Buzuluk District Court (Orenburg Region) on 8 November 2013. He was prosecuted after he and other Baptists distributed copies of the New Testament and other Christian literature and held open-air evening services in Buzuluk (Orenburg Region), Council of Churches Baptists reported.

Bannykh was fined for "violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket" (Administrative Code Article 20.2, Part 2). However, he was acquitted on appeal on 20 December 2013, Baptists told Forum 18.

The Council of Churches Baptists formed in 1961 in response to tightening Soviet controls on religious communities. Their members refuse to seek state permission to meet for worship, as is their right under Russia's international human rights commitments, which ban making the exercise of human rights dependent on state permission.

European Court communication

On 27 November 2013, the European Court of Human Rights (ECtHR) requested a response from the Russian government to an appeal against the banning of a text by the late Turkish Islamic theologian Said Nursi, Forum 18 has learnt. The United Spiritual Administration of Muslims of Krasnoyarsk Region submitted the case to the ECtHR in April 2011, challenging the rulings of local courts that "The Tenth Word" - from Nursi's "Risale-i Nur" collection of Koranic commentary - constituted "extremist" material (see F18News 29 October 2010 http://www.forum18.org/Archive.php?article_id=1504).

These local rulings contravene Muslims' rights to freedom of thought, conscience, and religion and to freedom of expression under Articles 9 and 10 of the European Convention on Human Rights, the applicant organisation contends. The Russian government must now respond to the question of whether these rights have been infringed, and must also submit the conflicting expert reports on the text from the original case to the ECtHR.

A spokesperson for the ECtHR in Strasbourg told Forum 18 on 14 January that the Russian government must respond by 21 March 2014. The Court will then invite the United Spiritual Administration of Muslims of Krasnoyarsk Region to comment on the response.

This is the third case relating to the banning of Islamic texts in Russia to reach the ECtHR in recent years. The other two – "Ibragimov and Cultural Educational Fund 'Nuru-Badi' v. Russia" and "Valiullin and The Association of Mosques of Russia v. Russia" – also refer to violations of Articles 9 and 10. The former involves multiple texts also from the "Risale-i Nur" collection (published by "Nuru-Badi", of which Ibragim Ibragimov is director), which were ruled "extremist" by Moscow's Koptevo District Court in 2007 (see F18News 27 June 2007 http://www.forum18.org/Archive.php?article_id=981).

The second case involves 16 books and brochures (including Koranic commentaries, studies of Islamic law and doctrine, and a life of the Islamic Prophet Mohammed) deemed "extremist" in 2007 by Buguruslan City Court (Orenburg Region), a ruling challenged by the Association of Mosques (see F18News 17 July 2008 http://www.forum18.org/archive.php?article_id=1160).

These two cases were submitted to the ECtHR in December 2007 and February 2008 respectively and communicated to the Russian government on 4 April 2011. No judgment has yet been rendered. (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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