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RUSSIA: Muslim rivalry behind criminal charges?

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

A Muslim activist in the southern region of Astrakhan, Mansur Shangareyev, has been charged with incitement to religious hatred by the regional authorities, but his lawyer, Vladimir Ryakhovsky, insists to Forum 18 News Service that the charges are "absurd and very crudely falsified." He strongly maintains that the conduct of a police and Interior Ministry search of Shangareyev's home, and the quality of the evidence presented in court, is highly questionable. Mukaddas Bibarsov, who heads the Volga Region Spiritual Directorate of Muslims, expressed his doubts about the charges to Forum 18, and has claimed that one form of state discrimination against Muslims in Russia is "the fabrication of criminal cases" and that Mansur Shangareyev's case was "one of the most flagrant examples." Well known human rights activists and Rabbi Zinovy Kogan of KEROOR have signed an open letter supporting this. Some observers believe that the reason for the charges is rivalry between Muslim Spiritual Directorates, as well as charges of extremism levelled against the Al-Furkan madrassah founded by Mansur Shangareyev's brother Ismagil Shangareyev.

The evidence of incitement to religious hatred levelled against Muslim activist Mansur Shangareyev is "absurd and very crudely falsified," his Moscow-based defence lawyer Vladimir Ryakhovsky maintained to Forum 18 News Service on 1 February, shortly before leaving for the latest hearings in Astrakhan region's Narimanov District Court. Astrakhan region is on the Caspian Sea, along the border with Kazakhstan.

In custody since March 2005, Shangareyev is formally being charged under Article 282, Part 2 of the Criminal Code for committing "actions aimed at inciting national, racial or religious hatred, the humiliation of national dignity, the propaganda of exclusivity, superiority or inferiority of citizens on account of their relation to religion, nationality or race, if these actions are committed publicly or with the use of mass media, and with the use or threat of violence." Conviction would result in his imprisonment for between three and five years.

A copy of the 21 December 2005 charges, seen by Forum 18, maintains that Shangareyev, "actively adhering to a radical trend of Islam, differing from traditional Islam by preaching the superiority of the given trend," moved to Astrakhan region "in order to realise his criminal intent." Specifically, it claims, he "began to make remarks to Muslim girls about their immodest dress without having any right to do so" and "spoke negatively about burial rites, maintaining that Muslims should not perform funerals or commemorate the dead in any way." Having gained the support of Rustam Kenzhaliyev, then imam of Starokucherganovka village (Narimanov district) mosque, the four-page document states that Shangareyev "began to invite Hindus [sic] and immigrants from the Caucasus propagandising radical Islam - specifically 'Wahhabism' - who wore untrimmed long beards and socks tucked into their trousers [sic], and attempted with their help to instil the ideas of radical Islam into the villagers, particularly young people." [Wahhabism is a term popularly and very loosely used throughout the former Soviet Union for militant Islam].

The charges go on to maintain that Shangareyev "spread the idea of the creation in the world of a United Muslim state 'Caliphate', calling for insubordination to the existing state order of the Russian Federation" and that a number of imams in Narimanov district "were forced to turn to the head of Astrakhan's regional muftiate, Nazymbek Ilyazov," as a result of his activity.

As part of his efforts to disseminate radical Islam, Shangareyev is alleged to have prepared leaflets and acquired literature and video cassettes: a brochure containing quotations from the Koran and Haddiths (sayings of the Prophet Muhammad) with commentaries advising Muslims "how to choose friends whom to love and whom to hate"; five leaflets calling for the rejection of human laws and calling all Muslims to jihad "through direct participation in military action"; four leaflets entitled "Address to the Muslim brethren of Dagestan from the Headquarters of the Central Front for the Liberation of Dagestan"; a leaflet entitled "Mujahidin Morality" and an Arabic-language video cassette, "Hell for Russians in Chechnya, Part Three," showing violent assaults on Russian federal forces. Found during a police search of Shangareyev's home on 22 March 2005, the charges state that these items have undergone "a religious-studies and linguistic expert analysis" which found them to contain "calls to international and interconfessional hatred, for violent acts towards persons of a particular nationality, participation in military action and insubordination to the laws of society."

Without naming Mansur Shangareyev, the press service of Astrakhan regional police on 24 March 2005 reported the detention during an operation by the police special branch of "the 57-year-old leader of a Wahhabi cell" who had come to the region "with the aim of spreading the idea of radical Islam and creating a Wahhabi community in Ikryanoye and Narimanov districts."

Testifying at the 24 January 2006 opening hearing of the religious hatred incitement case against Shangareyev, five witnesses for the prosecution did not testify against him in the same terms as their statements, all of which were similar, Shangareyev's lawyer Vladimir Ryakhovsky told Forum 18. In particular, said the Slavic Justice Centre lawyer, one witness with poor eyesight maintained that he had not heard anything about incitement to religious hatred or violent acts. This contradicted the witness' own statement, submitted by the court by an investigator from the Public Prosecutor's Office.

Ryakhovsky also believes that the evidence forming the only contentious charges – the leaflets calling for military jihad and the "liberation" of Dagestan, as well as the Arabic video on Chechnya – was planted during a nine-hour search of Shangareyev's home, conducted by the ordinary police and the local Interior Ministry Directorate for Combating Organised Crime (UBOP). He pointed out that the authorities conducting the search filmed only nine minutes of it, and that these show the discovery of a grenade and 20g of marijuana in a coat pocket and a felt winter boot. "How, during those nine hours, did they know exactly when to switch on the camcorder?" he remarked to Forum 18. Following an earlier trial at Astrakhan region's Ikryanoye District Court, Shangareyev was sentenced to three years' internal exile for possession of these items, although an appeal is pending.

Ryakhovsky also underlined the astonishing speed with which the charges were brought – even though 24 video cassettes were taken from Shangareyev's home, he said, the "religious-studies and linguistic analysis" was conducted in a single day by a local historian who, he said, does not know Arabic, while police opened the first criminal investigation a mere two hours after the search.

In addition, Ryakhovsky argued, the prosecution has failed to establish – or even raise the issue of – the possession of the seized items by Shangareyev rather than a family member or third party, or his dissemination of extremist material: "They must prove that he called for religious hatred publicly for it to be a crime."

Forum 18 has been unable to obtain any response from the Astrakhan regional Interior Ministry to Ryakhovsky's suggestions.

Asked about the case against Mansur Shangareyev on 6 February, a press officer at Astrakhan regional Public Prosecutor's Office referred Forum 18 to the Public Prosecutor of Narimanov district, Vakhit Daudov. Daudov told Forum 18 that he was unable to comment and had not participated in the house search, which he said had taken place under the auspices of another administrative district, adding that the expert analysis had been completed in Astrakhan city. He then told Forum 18 that he was reluctant to make any comment whatsoever by telephone and that all he could say was that Shangareyev was being charged under Article 282, Part 2, Point A of the Criminal Code and that the case against him was currently being heard.

Mukaddas Bibarsov, who heads the Volga Region Spiritual Directorate of Muslims, expressed his doubts about the charges against Shangareyev in an interview with Forum 18 in Saratov on 5 June 2005. Addressed to top Astrakhan regional officials, a 29 June open letter claimed that one current form of state discrimination against Muslims in Russia is "the fabrication of criminal cases" and that Mansur Shangareyev's was "one of the most flagrant examples." It was signed by Shangareyev's brother Ismagil, who heads the Moscow-based Islamic Human Rights Centre, chairwoman of the Moscow Helsinki Group Lyudmila Alekseyeva, former parliamentarian and prominent human rights activist Sergei Kovalev, former human rights ombudsman to the Russian Federation Oleg Mironov and Rabbi Zinovy Kogan of the Congress of Jewish Religious Communities and Organisations of Russia (commonly known as KEROOR).

In Vladimir Ryakhovsky's view, criminal charges are being brought against Mansur Shangareyev for two reasons – a conflict within Astrakhan's Muslim community and the security agencies' attempts to show their federal superiors that they are working effectively against the threat of terrorism.

In his recent book "A Contemporary History of the Islamic Community in Russia," Roman Silantyev notes that opposition to Mufti Nazymbek Ilyazov within Astrakhan Regional Spiritual Directorate of Muslims began in 1995, when Rustam Kenzhaliyev and a colleague called for his resignation.

On 20 April 2005, Islam.ru website pointed out that Mufti Nazymbek Ilyazov sacked Rustam Kenzhaliyev from his post as imam of Starokucherganovka village mosque for trying to re-register with Ravil Gainutdin's Spiritual Directorate of Muslims of European Russia. (The Astrakhan Regional Spiritual Directorate of Muslims is affiliated to this body's main rival, Talgat Tadzhuiddin's Central Spiritual Directorate of Muslims, or TsDUM.) The website also quoted Kenzhaliyev as saying that Mansur Shangareyev had gathered signatures in support of a petition to create a local Muslim forum that might express lack of confidence in the Astrakhan mufti.

Speaking to Forum 18 on 23 January, Vitali Ponomarev, the Central Asia programme director at the Moscow-based Memorial Human Rights Centre, also suggested that rivalry between Muslim spiritual directorates lay behind the charges against Mansur Shangareyev, in addition to earlier accusations of extremism levelled against the Al-Furkan madrassah founded by his brother Ismagil Shangareyev in Buguruslan, in the southern Orenburg region.

A researcher into militant Islam in Russia at the Russian Academy of Sciences, Georgi Engelhardt explained to Forum 18 on 24 January that the Al-Furkan madrassah was "the best Saudi-modelled school in Russia" whose "well-educated graduates made the

'traditional' ones afraid as they could outspoke them in discussions." Against a background of Ismagil Shangareyev's own challenge to the local TsDUM-affiliated Orenburg muftiate, this school was closed down but later re-opened, said Engelhardt. While describing its graduates as "moderate radicals," he also warned that they nevertheless played an important role in the gradual radicalisation of the Muslim community, and that "some crossed the line and became military jihadists linked with the Caucasus."

In his recent book, Roman Silantyev writes that Al-Furkan madrassah was set up with Arab donations in 1995. Although Ismagil Shangareyev categorically denied its propagation of extremism, the madrassah lost its teaching licence in late 1999 when the federal authorities issued a search warrant for one of its graduates, Ruslan Akhmyarov, in connection with terrorist attacks. According to Silantyev, Al-Furkan madrassah stopped functioning entirely after the discovery of explosives on its property in September 2004. (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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