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RUSSIA: Some but not all sacred texts exempted from banning

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

A new Russian legal amendment bans some sacred texts - "the Bible, the Koran, the Tanakh and the Kanjur, their contents, and quotations from them" - from being banned as "extremist". But about 4,000 Jehovah's Witness Bibles are among millions of their publications still held up at Russian customs as they may contain "extremism", Forum 18 News Service notes. The amendments aim to protect only books of those faiths considered as so-called "traditional". Muslim scholar Ilhom Merazhov thinks that it "does not solve the problem", as "religious books – commentaries on holy books – may still be prohibited". Hare Krishna lawyer Mikhail Frolov told Forum 18 that "if these differences ['traditional' and 'non-traditional'] are used to justify division into 'us' and 'them', then this is extremism in a pure and dangerous form, which is so damaging to our multinational and multi-confessional state". Concerns also persist that the amendment leaves so-called "non-traditional" faiths open to discrimination, such as Theravada Buddhism.

Despite a new Russian legal amendment prohibiting some sacred texts - "the Bible, the Koran, the Tanakh and the Kanjur, their contents, and quotations from them" - from being banned as "extremist", about 4,000 Jehovah's Witness Bibles are among millions of their publications still held up at Russian customs because they might contain "extremism", Forum 18 News Service notes. Two months before the amendments came into force, a Buddhist website was forced to take down a verse from the Pali canon – which are not protected by the amendments.

President Vladimir Putin signed into law on 23 November the amendment to the Extremism Law prohibiting the banning of major sacred texts of so-called "traditional religions" as "extremist". (However, the so-called "traditional" religions are not legally defined – see Forum 18's general Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1722.) This amendment came into force on publication the same day.

Another amendment, still under consideration in the lower house of parliament, the State Duma, may remove the power to ban materials as "extremist" from lower-level courts. Some religious leaders and lawyers have welcomed the proposals, although other commentators think they will do little to prevent followers of beliefs and their communities from continuing to fall foul of "extremism" legislation.

The trigger for the legal amendments was a 12 August ruling on the Far Eastern island of Sakhalin, which outlawed "Supplication (du'a) to God: its significance and place in Islam". The book consists of quotations from the Koran accompanied by explanatory comments, and prosecutors' attempt to have it outlawed for "extremism" raised concerns that this could effectively ban certain verses of the Koran itself (see below and F18News 21 September 2015 http://www.forum18.org/archive.php?article_id=2103).

Growing Federal List of Extremist Materials

The Justice Ministry's Federal List of Extremist Materials currently runs to over 3,000 entries. Alongside violent nationalist and racist material, it also includes religious texts which have not been prohibited in other countries and which do not make calls for violence or hatred. At present, any court may issue an "extremism" ruling, which obliges the Justice Ministry to place an item on the List (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1724). But it is much more difficult to get entries removed from the List (see F18News 27 July 2015 http://www.forum18.org/archive.php?article_id=2084).

Prosecutors have attempted to have added to the List a number of titles of central importance to various faiths. In December 2013, a court in Novorossiysk banned a popular Russian version of the Koran, but this was overturned on appeal (see F18News 27 January 2014 http://www.forum18.org/archive.php?article_id=1920). In 2012, an attempt in Tomsk to ban "The Bhagavad Gita As It Is", a key text for Hare Krishna devotees, was similarly unsuccessful after a public outcry both locally and in India (see F18News 21 March 2012 http://www.forum18.org/Archive.php?article_id=1682).

Mikhail Frolov, a lawyer for the Society for Krishna Consciousness, commented to Forum 18 on 30 November that a court's refusal to declare a particular text extremist does not prevent prosecutors from initiating another suit against the same material in a different edition, even if it is only slightly different from the previous edition. "Even with the Bhagavad-Gita As It Is, the prosecutor may

legally apply [to the court] again, but in practice it will be very difficult, because there is already a whole library of materials on the Tomsk case" comprising substantial expert analysis, "and there is no doubt as to the reaction of India on this matter".

Several items of literature of the Chinese spiritual movement Falun Gong have also been banned, including, in 2011, its core spiritual text "Zhuan Falun" (Turning the Law Wheel) (see F18News 14 December 2012 http://www.forum18.org/archive.php?article_id=1782). Prosecutors in Izhevsk recently withdrew an attempt to ban another Falun Gong text after they were unable to produce the necessary bibliographical information. With the exception of the Koran, none of these will be protected from any future banning order under the recent amendment to the Extremism Law (see below).

"Religious books – commentaries on holy books – may still be prohibited"

The Moscow-based SOVA Center for Information and Analysis commented on 23 October that the amendment "only strengthens the status quo" as none of the books in question has actually been banned - despite two attempts to ban Russian translations of the Koran (see F18News 27 January 2014 http://www.forum18.org/archive.php?article_id=1920).

Muslim scholar Ilhom Merazhov thinks that it "does not solve the problem". "No one will be able to ban the holy books," he remarked to Forum 18 on 15 November, "but religious books – commentaries on holy books – may still be prohibited". Merazhov has over many years been concerned over the "extremism" bans on many of the works of the late Turkish Muslim theologian Said Nursi (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

Hare Krishna lawyer Frolov described the amendment to Forum 18 as "more a forced move, than a real resolution of the problem", which has "removed tensions in society [after the Sakhalin ruling], but has not eliminated the causes of those tensions".

On 25 November, Forum 18 asked Yaroslav Nilov, Chair of the State Duma's Committee for Public Affairs and Religious Organisations and a deputy of the Liberal Democratic Party, why the law only refers to four named sacred books. He explained the amendment in terms of the preamble to Russia's Religion Law.

The preamble "recognises the special role of Orthodoxy in the history of Russia" and "respecting Christianity, Islam, Buddhism, Judaism and other religions [unnamed] constituting an integral part of the historical heritage of the peoples of Russia". The preamble does not use the word "traditional" (see Forum 18's general Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1722).

The four named books, Nilov said, were the canonical scriptures of "Christianity, Islam, Buddhism, Judaism", and represent "cultural and spiritual heritage". He also confirmed to Forum 18 that the amendment applies to all editions of the four texts.

"Extremism in a pure and dangerous form"

"In itself, the division into traditional and non-traditional I personally think is not dangerous if it is purely culturological, academic", Hare Krishna lawyer Frolov remarked to Forum 18 on 30 November. "But if these differences are used to justify division into "us" and "them", then this is extremism in a pure and dangerous form, which is so damaging to our multinational and multi-confessional state."

['Believing in Russia - Religious Policy after Communism' (Routledge, 2013), by Forum 18's former Russia Correspondent Geraldine Fagan, discusses in depth the point Frolov makes - see excerpt at http://www.forum18.org/Archive.php?article_id=1762.]

The amendment makes no alteration to those parts of the Extremism Law which have frequently been used to outlaw religious texts for "propaganda of the superiority of one's own religion", Forum 18 notes. "We have by many cultural arguments proved that there is nothing bad in our books [by Islamic theologian Nuris], but they were forbidden," Merazhov complained to Forum 18 (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1724). "This law gives nothing [in this respect]. Nothing has been said about the revision of earlier wrong decisions, nothing has been said about rehabilitation."

Concerns persist that the amendment leaves other faiths and denominations open to discrimination. Sergei Tyulin of the St Petersburg Theravada Buddhist Community explained to Forum 18 that the Kanjur is a canonical text of Tibetan Buddhism (considered by officials as the Russian so-called "traditional" Buddhism). But he pointed out that the amendment will not protect the sacred writings of other Buddhist schools, such as Theravada (also found in Myanmar, Thailand, Cambodia, Laos, and Sri Lanka) and Far Eastern Zen Buddhism.

Moreover, the Kanjur does not constitute the entire Tibetan Buddhist canon. "It turns out that even in respect of 'traditional' Buddhism in Russia, half measures have been taken," Tyulin said.

Ban on bans on scriptures of so-called "traditional" faiths

After the initial "extremism" ruling in Sakhalin (see below), two amendments to the Extremism Law were submitted to the Russian

legislature. One, introduced by President Putin, bans "extremism" rulings for the principal sacred texts of Russia's so-called "traditional religions" - even though this concept is not legal (see Forum 18's general Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1722). The second amendment, initiated earlier by a group of Duma deputies, would limit "extremism" rulings to higher-level courts.

Putin's amendment was introduced to the Duma on 14 October and made rapid progress through the legislature. It passed its third and final Duma reading on 11 November. On 18 November, it was approved by parliament's upper chamber, the Federation Council. It adds to Article 3 of the Extremism Law the sentence: "The Bible, the Koran, the Tanakh and the Kanjur, their contents, and quotations from them, may not be considered extremist material". Putin signed his amendment into law on 23 November.

Lawyer Ravil Tugushev, who represented both the Sakhalin Muslim Community and the Spiritual Administration of Muslims of Asiatic Russia (DUMACHR) in the Sakhalin case (see below), described the bill on his blog on 7 November as "a very necessary and very important amendment". He expressed the hope that it would be passed, adding that "what we have sought for so many years has finally been accepted".

Aleksandr Boroda, President of the Federation of Jewish Communities of Russia, told Interfax-Religion on 22 October that the amendment's adoption "will underline the importance of freedom of religion as guaranteed by the Constitution of our country, and believers will cease to feel uncomfortable the next time there is an attempt to turn up extremism in sacred texts". He added that he sees this change in the law as "a stumbling block for provocateurs, who try to destroy inter-religious peace in Russia, searching for controversial quotations in sacred writings, and taking them from their historical context".

Despite requests from some religious officials at a 20 October meeting of the Duma's Committee for Public Affairs and Religious Associations to have more items added to the list of protected texts, the amendment was signed into law in its current form.

Will number of courts able to ban literature be restricted?

On 30 September, 16 Duma deputies introduced their own proposed amendment to allow only regional and republic-level courts to rule on whether material is "extremist". At present any lower-level court can make such a ruling (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1724). The Duma has not yet considered this amendment.

The bill proposes to amend Article 13, Part 2, of the Extremism Law to become: "Information materials are deemed extremist by the supreme courts of republics and territories, regional courts, courts of cities of federal significance, courts of autonomous regions, courts of autonomous okrugs according to the place of their discovery or distribution, and the location of the organisation that produced these materials". It would also add a new Part 4 to Article 263 of the Civil Procedural Code to put in place the same limits.

This proposed amendment has not attracted the same level of public attention as Putin's amendment. However, the lawyer Tugushev was among those cautiously welcoming it. He points out that judges of "federal subjects" are more highly qualified than those at lower levels and are able to engage better qualified experts.

"At least the same material will no longer be prohibited several times," Muslim lawyer Tugushev remarked on his Facebook page on 1 October. "But it would be good to prescribe a mechanism for excluding books from the Federal List of Extremist Materials. It has turned out to be a paradoxical situation – the law contains a clearly established mechanism for inclusion in the list of extremist materials, but no mechanism for delisting".

Chair of the State Duma's Committee on Public Affairs and Religious Organisations Nilov, one of the bill's initiators, remarked on the Committee's website on 30 September that he is "convinced that the proposed measure will both strengthen the authority of the judiciary and reduce the likelihood of using the 'religious factor' for destructive provocations".

Buddhist verse ordered removed, legal challenge to come

An order to remove a verse of the Theravada Buddhist Pali Canon from a Russian Buddhist website illustrates how not all major sacred texts may be protected by Putin's amendment, as the protection it offers is confined to the narrowly but unclearly defined so-called "traditional" religions (see Forum 18's general Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1722). Among Buddhist schools, only Tibetan Buddhism is considered without legal basis by officials as "traditional". The removal order also shows how religious texts can fall foul of other legislation, not just the Extremism Law.

On 19 September, the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor) demanded the removal from www.theravada.ru of verses apparently offering "a detailed description of suicide". This referred to a passage – the 23rd sutta ("teaching") of the 4th Nikaya ("collection" or "volume") of Theravada scriptures – which describes how a monk "uses the knife" after repeatedly "[falling] away from temporary liberation of mind", with notes explaining that this is a common euphemism for suicide.

Roskomnadzor warned the site administrators that the entire site would be blocked if they did not comply.

The website contains Buddhist texts and general information, and is run by St Petersburg's Theravada Buddhist community. Theravada spokesperson Sergei Tyulin told Forum 18 on 13 November that this is the first and so far only case of problems with Roskomnadzor over a Theravada Buddhist text.

On 23 September, Roskomnadzor published a statement on its own website (after the block began to create a "buzz" in the Russian media, according to Tyulin), which clarified that only the commentary, not the verses themselves, were the subject of the removal order. The administrators of www.theravada.ru duly removed these comments and replaced the verses. However, they intend to challenge the order in court, as Theravada Buddhists consider the commentary to be part of the canonical text, not merely footnotes.

Jehovah's Witness Bibles among blocked literature imports

More than 10 million items of Jehovah's Witness literature are currently being held by customs officials in Leningrad Region. All attempted imports from Germany via Finland have been blocked since March 2015, Jehovah's Witness spokesperson Ivan Belenko told Forum 18 on 16 November, "simply on suspicion that they might contain 'extremism'". The impounded items include about 4,000 copies of their New World version of the Bible in both Russian and Ossetian (see F18News 14 December 2015 http://www.forum18.org/archive.php?article_id=2133).

Jehovah's Witnesses in Russia and Finland have brought two unsuccessful suits against Russian customs authorities at St Petersburg and Leningrad Regional Arbitration Court, in an attempt to have their actions deemed unlawful (see F18News 21 September 2015 http://www.forum18.org/archive.php?article_id=2103).

One of these was rejected on 1 September, the other on 3 November. Jehovah's Witnesses have submitted one appeal so far to the 13th Arbitration Court, which will be heard on 10 December.

Sakhalin Koranic commentary ban overturned

On 5 November, Judge Nikolai Krylov of Sakhalin Regional Court upheld the multiple appeals which had been submitted against Yuzhno-Sakhalinsk City Court's "extremism" ruling. He simultaneously refused prosecutors' request to prohibit parts of the text.

During the appeal hearing, which lasted more than four hours, prosecutor Irina Kislitsina requested a religious examination of the Koranic commentary, for which she claimed there had been no time in the original case (despite this lasting a year and a half). She also called for a subsequent ban on the book's explanatory comments. The judge refused these requests.

According to the appeal verdict, seen by Forum 18, Judge Krylov agreed with arguments that the Koranic verses in question contained no calls for "extremist" activity and that any "negative evaluations" in the text of "polytheists" and "unbelievers" did not constitute incitement to violence, hatred or discord.

Tugushev, who legally represented both the Sakhalin Muslim Community and the Spiritual Administration of Muslims of Asiatic Russia (DUMACHR), called the appeal ruling "a victory of law and common sense over ignorance and Islamophobia".

Other appeals - from the Association of Muslim Entrepreneurs, several individuals, and Chechen leader Ramzan Kadyrov - were based on procedural violations and on infringements of constitutional right to freedom of religion and belief, Tugushev explained on his blog on 7 November.

"Hidden call to commit unlawful, extremist actions"?

According to the initial 12 August city court verdict, also seen by Forum 18, court-appointed linguistic and psychological experts claimed that the book contained statements "of a hostile, aggressive, destructive character towards people of other confessional groups" and promoted "the exclusivity, superiority or inferiority of a person according to his social, national or religious affiliation", but also that the text did not in fact call for or justify "extremist" actions. Judge Natalya Perchenko nevertheless concluded that there was "a hidden call to commit unlawful, extremist actions" (see F18News 21 September 2015 http://www.forum18.org/archive.php?article_id=2103).

Rushan Abbyasov of the Council of Muftis called the initial 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."

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. The same month prosecutors submitted a suit to have it declared "extremist". Judge Perchenko twice 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).

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