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RUSSIA: Banned "extremist" religious literature – who's next?

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

Although no Jehovah's Witness publication has been deemed "extremist" under Russia's 2002 Extremism Law, in the past two weeks police in the Urals region of Sverdlovsk have detained 14 Jehovah's Witnesses for distributing their tracts, Forum 18 News Service has found. Two of their local communities have already been warned, while a local investigation continues into whether Jehovah's Witness literature is extremist. The region's FSB security service has tried unsuccessfully to have a local Jehovah's Witness lawyer disbarred, which would prevent him from defending their community. Courts in two other Russian regions are also considering cases against Jehovah's Witness literature. Works deemed extremist by even a local court may not be distributed anywhere in Russia. A Moscow chain of bookstores was fined in December 2008 for distributing a non-violent Muslim title, the second fine in Russia for selling the work. Prosecutors have also investigated a Russian Orthodox website that had posted robust criticism of Islam. However, a draft Law prepared by the General Prosecutor's Office to make anti-extremism measures "more effective" was withdrawn from parliament in December 2008.

Contentious local moves to outlaw items of Jehovah's Witness, Muslim and Orthodox literature are continuing unchecked by the federal authorities, Forum 18 News Service has found. This is despite one senior official's recent admission that some titles have been added to the banned list "by mistake". In the Urals region of Sverdlovsk, Jehovah's Witness tracts are already being treated as extremist even in the absence of a ban, with 14 people detained for distribution since the start of 2009 alone.

The trend is an unforeseen consequence of the 2002 Extremism Law, under which even a low-level court may rule literature extremist. Automatically added to the Federal List of Extremist Materials, it is then banned throughout Russia.

Currently, Jehovah's Witness literature does not feature on the List. Thousands of kilometres apart, municipal courts in Salsk (Rostov-on-Don Region) and Gorno-Altai (Altai Republic) are however both set to begin determining whether Jehovah's Witness literature is extremist on 19 January, Jehovah's Witness spokesperson Yaroslav Sivulsky told Forum 18 on 15 January.

A court expert analysis of Jehovah's Witness literature commissioned last July in an analogous case in Rostov-on-Don is still ongoing, added Sivulsky (see F18News 14 July 2008 http://www.forum18.org/Archive.php?article_id=1159).

In Sverdlovsk Region, academics at Yekaterinburg's Maksim Gorky Urals University are expected to complete in mid-February a similar expert analysis of widely circulated Jehovah's Witness tracts, a spokesperson for the Investigative Committee at Sverdlovsk Regional Public Prosecutor's Office informed Forum 18 on 16 January.

The analysis is part of a criminal investigation opened in spring 2008, when the Public Prosecutor of the small asbestos-mining town of Asbest (Sverdlovsk Region) issued official warnings to the unregistered Jehovah's Witness group there and its parent organisation in the regional centre, Yekaterinburg, for distribution of extremist material. No court case followed, however, because an initial literary assessment by FSB security service specialists did not qualify as independent evidence (see F18News 14 July 2008 http://www.forum18.org/Archive.php?article_id=1159).

Even before the results are known of the second, University analysis, police in Sverdlovsk Region are already treating Jehovah's Witness tracts as banned material, however. Since the New Year, 14 Jehovah's Witnesses have been detained for several hours at a time after preaching and distributing literature in the towns of Asbest, Bisert, Nevyansk and Pyshma, local Jehovah's Witness lawyer Egjazar Chernikov told Forum 18. Police officers searched, photographed and fingerprinted the Jehovah's Witnesses "like criminals", he added, and told them to stop distributing "extremist" literature.

The Investigative Committee spokesperson denied that there had been any detentions as part of the extremism investigation into the Jehovah's Witness literature, but allowed that people may have been asked to give witness statements. She stressed that, until the results of the University assessment are known, "we can't say definitively" whether Jehovah's Witness literature is extremist.

The lawyer Chernikov claims to be encountering state obstruction as he provides legal defence to his fellow Jehovah's Witnesses. This began during Sverdlovsk Regional FSB security service's 16 July 2008 raid on the Jehovah's Witness kingdom hall in Yekaterinburg, he told Forum 18 (see F18News 22 July 2008 http://www.forum18.org/Archive.php?article_id=1161). As not all of

the eight FSB officers present were named by their search warrant, Chernikov asked those not listed not to participate, he said. The FSB responded by forcing him to leave the premises. They also vowed to initiate a criminal case against the lawyer and warned that he "wouldn't be able to walk to court" to appeal their actions, he told Forum 18.

Sverdlovsk Regional FSB representatives have refused to discuss the raid with Forum 18 (see F18News 22 July 2008 http://www.forum18.org/Archive.php?article_id=1161).

In a 16 September letter to Sverdlovsk Regional Justice Department, viewed by Forum 18, Sverdlovsk Regional FSB chief Boris Kozinenko duly complains that his officers met "serious obstruction" from Chernikov during their search and requests that disciplinary measures be taken against him.

The Council of Sverdlovsk Regional Lawyers' Chamber subsequently met in closed session to determine whether action should be taken against Chernikov in response to Kozinenko's complaint to the Justice Department. In its 19 December conclusion, viewed by Forum 18, the Council found that Chernikov had not committed any legal or ethical violation, however, and should not be disciplined. Expulsion from the Chamber would have meant being barred from practising as a lawyer in Sverdlovsk Region, Chernikov told Forum 18.

Meanwhile, the Russian-language "Orthodoxy and Islam" website was the focus of another recent extremism investigation by local officials in Moscow, its founder and editor Yuri Maksimov confirmed to Forum 18 on 15 January. The site is a compilation of materials by various authors offering a frequently robust critique of Islam from an Orthodox Christian standpoint. An interrogation of the site's assistant editor suggested that Moscow's Tverskoi District Public Prosecutor's Office was particularly concerned by "The Sham Piety of Mohammed", an article by Fr Aleksandr Miropolsky, Maksimov wrote in a 10 November entry on his personal weblog. The Russian Orthodox Church recently canonised Fr Miropolsky (1847-1918) as a saint martyred under the Bolshevik regime.

Maksimov responded by defending his site. "I believe there is nothing extremist or inciting of religious hatred in the fact that a Christian considers Christian teaching to be true and is therefore obliged to recognise all opposing teachings, including Muslim ones, as untrue," he wrote on his weblog. This corresponds to guarantees of freedom of expression and religion or belief in Russia's 1993 Constitution, he pointed out. Maksimov also stressed that he regards Muslims as "brothers and sisters in Adam" and harbours no ill-feelings towards them. "But I consider Islam a delusion."

The state has taken no further action against the site – currently under reconstruction – and it has not been blocked, Maksimov told Forum 18. A Tverskoi District Public Prosecutor's Office investigator told him on 21 November that there are no grounds for prosecution, he said.

A 17 December RIA Novosti news agency report that "Orthodoxy and Islam" had been blocked in Samara Region "on the basis of a court decision and in accordance with the law" turned out to be mistaken, added Maksimov.

This was confirmed to Forum 18 on 15 January by a spokesperson at Samara Regional Public Prosecutor's Office. She explained that in order to block the website in Samara Region, an expert analysis confirming it to be extremist would be required as part of a criminal investigation launched in Moscow, where the site is hosted, "but there isn't one".

The Federal List of Extremist Materials is compiled by the Justice Ministry and periodically updated. As of 23 December 2008, it featured 301 items. While titles on the List typically suggest extreme nationalist or antisemitic content, the majority of theological entries are Islamic.

Shown the titles of 16 Islamic publications on the List last summer, leading Moscow-based Islam specialist Aleksei Malashenko exclaimed to Forum 18: "It is stupidity to prohibit all these books. If you prohibit the life of Sheikh Muhammad ibn Abd al-Wahhab, then you must prohibit all of Lenin's books and articles, immediately!" Asked if any of the titles supports terrorism, Malashenko replied: "If you say this, then every book, including the Bible, may be called pro-terrorist. The problem is not the books, but one of commentary - how they are used" (see F18News 17 July 2008 http://www.forum18.org/Archive.php?article_id=1160).

A particularly contentious entry on the List is "The Personality of a Muslim" by Arab theologian Muhammad ali Al-Hashimi. A manual of Koran-based advice for living, its sole emphasis is on kindness and generosity, including towards non-Muslims (see F18News 1 February 2008 http://www.forum18.org/Archive.php?article_id=1080). Ruled extremist by Buguruslan City Court (Orenburg Region) in August 2007, the work's addition to the List was announced the following December (see F18News 17 July 2008 http://www.forum18.org/Archive.php?article_id=1160).

In the latest prosecution for distribution of this work, a central Moscow administrative court fined the Novy Knizhny chain of bookstores 50,000 roubles (10,809 Norwegian Kroner, 1,160 Euros or 1,535 US Dollars) for breaching Article 20.29 of the Administrative Violations Code (production and distribution of extremist materials), the city's Public Prosecutor's Office website announced on 26 December. While still listing the work, Novy Knizhny's website states that details of stockists are being updated.

The manager of a Saratov bookshop was also fined for selling the work in August 2008 (see F18News 24 October 2008 http://www.forum18.org/Archive.php?article_id=1209).

In May 2008 a criminal case was opened under Article 282, Part 1 of the Criminal Code (incitement to religious hatred) against Aslambek Ezhayev, whose Moscow-based Ummah publishing house has published "The Personality of a Muslim". Ezhayev's offices at Moscow Islamic University were subject to a six-hour police search on 8 October 2008 (see F18News 24 October 2008 http://www.forum18.org/Archive.php?article_id=1209).

There has been no further move to prosecute Ezhayev since the search, he told Forum 18 on 14 January.

So far, the federal authorities have not challenged compilation of the Federal List of Extremist Materials despite Muslim complaints. On 13 November 2008, the chair of Russia's Council of Muftis, Ravil Gainutdin, again called for the entry of Islamic literature onto the List to be discussed "at a more serious level", Interfax news agency reported. Addressing a Moscow conference on Islamic education, he accused some local courts of "poorly understanding religious and theological issues" and so continuing to ban Islamic publications, even those recommended by his own Council – such as "The Personality of a Muslim".

At the same conference, Aleksei Grishin, a senior Presidential Administration official, admitted that "books by very famous authors unfortunately seem to have got on [the Federal List] by mistake". Promising to take corrective measures, he warned that it would prove very difficult to remove the works from the List, however, "as it is extremely complicated to overturn a court decision already in force".

Mikhail Odintsov, in charge of religious issues at the office of Russia's Human Rights Ombudsperson, is not aware of any steps being taken at the federal level to rectify the situation. On raising the issue with the General Public Prosecutor's Office in response to individual complaints, his office was told that there is no reason to question the List, he remarked to Forum 18 on 15 January. This is the only pressure he is authorised to apply, Odintsov pointed out.

Challenges to the List have so far proved difficult, as the deadline for court appeals is typically past by the time entries are made public. Aslambek Ezhayev's lawyer was also reportedly told by a Buguruslan City Court representative that only an interested party – the author or publisher - could challenge its ruling. In the case of "The Personality of a Muslim", however, the author is dead and the publisher defunct.

Andrei Sebentsov, vice-chair of the government's Commission for Issues Concerning Religious Associations, has suggested to Forum 18 that a draft law due for consideration in early 2009 might offer one solution. As it would allow social and non-commercial organisations to make court appeals on behalf of an undetermined group of individuals, he said, "a social organisation promoting Islamic heritage, say, could challenge a ban on an Islamic book" (see F18News 24 October 2008 http://www.forum18.org/Archive.php?article_id=1209).

Meanwhile, moves to introduce further anti-extremism measures continue. On 3 December 2008 five parliamentary deputies formally proposed a draft Law authored by the General Public Prosecutor's Office which would amend various laws, including the 1997 Religion Law and the 2002 Extremism Law, in order to "make activity aimed at combating extremism more effective".

Some of its provisions – including informing the state of any changes made to teaching programmes in religious educational institutions and submitting notarised translations of all non-Russian texts used in them – were sharply criticised by Russian Orthodox Bishop Amvrosi (Yermakov) of Bronnitsy at a 30 September parliamentary hearing (see F18News 24 October 2008 http://www.forum18.org/Archive.php?article_id=1209).

Viewed by Forum 18, the draft Law does not address the issue of questionable extremism rulings by low-level courts.

On 4 December 2008 the draft Law was sent for review by the parliamentary Committee on Civil, Criminal, Arbitration and Procedural Law. Days later, however, it was withdrawn due to questions surrounding a provision on responsibility for circulating extremist materials via the Internet, the Moscow-based Sova Centre reported. The State Duma Council approved the Committee's request for the draft's withdrawal on 23 December.

Vitaly Ponomarev of the Memorial Human Rights Centre points to another illustration of the low-level state approach towards fighting extremism. His colleague, the Uzbek dissident Bakhrom Khamroyev, reported being stopped by two FSB security service representatives near Moscow's central mosque on the evening of 12 December 2008. Initially asked whether he worked as an imam, Khamroyev was then taken to a nearby police station on suspicion of holding a forged Russian passport and interrogated for an hour by a state representative identified only as Denis.

As Khamroyev related the incident to Ponomarev, Denis described Memorial as a "Jewish organisation" and warned that if he complained he might be shoved into the boot of a car but "no Jews would help". In an apparent reference to devout Muslims, Denis also commented that there were "too many men with beards" in Russia who appeared loyal but could "cause an explosion at any moment". Khamroyev was also informed that he had been detained due to checks on information about a fugitive imam from the

southern Russian republic of Kabardino-Balkaria.

Young mosque-goers in Kabardino-Balkaria have reported being listed by police as Islamic extremists and subjected to beatings and more severe torture (see F18News 20 August 2008 http://www.forum18.org/Archive.php?article_id=1173). (END)

For a personal commentary by Irina Budkina, editor of the <http://www.samstar.ru> Old Believer website, about continuing denial of equality to Russia's religious minorities, see F18News 26 May 2005 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=1196.

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

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