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RUSSIA: Punishments continue for religious literature

By Victoria Arnold, Forum 18

In October 2014, Ramazan mosque in the Urals city of Yekaterinburg was fined 50,000 Roubles – equivalent to nine months' official minimum wage – for possessing religious literature which does not appear to incite violence or hatred. The mosque's imam Albert Bayazitov was formally warned about the inadmissibility of "extremist" activity. A court rejected the appeal against the fine in December 2014. This was among 18 administrative cases in 14 different regions of Russia in the last four months of 2014 identified by Forum 18 News Service in which individuals or organisations were punished for possessing religious literature the authorities deem "extremist". Forum 18 asked Russia's Justice Ministry in writing in September 2014 whether it is right that people should be punished for possessing religious texts which do not incite hatred. More than four months on, it has received no response.

Russia's Muslims and Jehovah's Witnesses continue to be targeted by operations aimed at combating "extremism". Forum 18 News Service has identified 18 administrative cases in 14 different regions of Russia in the last four months of 2014 in which individuals or organisations were punished for possessing religious literature which does not appear to incite violence or hatred. Of these, 15 concerned Islamic literature or videos, the remaining three Jehovah's Witness texts. One mosque in Yekaterinburg in the Urals was fined 50,000 Roubles, the equivalent of nine months' official minimum wage.

Seizures of religious literature from both Muslims and Jehovah's Witnesses, mostly during raids or detentions, frequently result in prosecutions under Article 20.29 of the Code of Administrative Offences. This punishes "Production or distribution of extremist materials" recorded on the Federal List of Extremist Materials with a fine or imprisonment of up to 15 days and confiscation of the banned literature. Under this Article, the "mass distribution" of items on the Federal List, as well as their "production or possession for the purposes of mass distribution" is banned. Despite the term "mass distribution", prosecutors have often brought charges even if only one copy of a text is discovered (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=1724).

Of the 18 known cases between September and December 2014, two each were in the North Caucasian republics of Dagestan and Karachai-Cherkessiya and in Sverdlovsk Region, with one each in the republics of Chechnya, North Ossetia-Alania, and Adygea (all three also in the North Caucasus), the Mari-El Republic, and Altai, Irkutsk, Khabarovsk, Primorye, Omsk, and Penza Regions. Khanty-Mansiysk Autonomous District of Tyumen Region also saw two separate prosecutions, although for a single incident.

Sixteen cases led to convictions and fines, none of which have yet been overturned on appeal. The other two defendants were acquitted. In the last four months of 2014, Forum 18 also found two appeals against rulings issued earlier in 2014.

Forum 18 found 15 convictions under Article 20.29 which took place in the first four months of 2014, of which only two were overturned on appeal. In late April to August 2014, Forum 18 identified 18 such cases in 15 different regions of Russia (see F18News 8 September 2014 http://www.forum18.org/archive.php?article_id=1994).

Russia is also implementing its Extremism Law and such punishments in Crimea, which it annexed in March 2014 (see F18News 29 October 2014 http://www.forum18.org/archive.php?article_id=2010).

Official "inspections", public complaints

Religious literature may be confiscated by police, Prosecutor's Office officials, or the FSB security service during inspections of residential or business premises belonging to religious believers.

According to court documents seen by Forum 18, searches of Jehovah's Witnesses' homes, vehicles and workplaces tend to be prompted by complaints from members of the public. Inspections of mosques and Muslim shops are more often carried out to monitor "compliance with the law on extremist activity", according to prosecutors.

Russian translations of texts which do not advocate hatred, violence, or the violation of any human right (such as the Risale-i Nur (Messages of Light) collection of the late Turkish theologian Said Nursi) are listed as "extremist" alongside items promoting racism, violence and xenophobia (see Forum 18's "Extremism" Russia religious freedom survey

http://www.forum18.org/archive.php?article_id=1724).

If convicted under Administrative Code Article 20.29 ("Production or distribution of extremist materials"), individuals receive up to 15 days' detention or a fine of 1,000 to 3,000 Roubles (120 to 350 Norwegian Kroner, 15 to 40 Euros or 15 to 45 US Dollars). Fines for people in an official capacity (such as individual entrepreneurs) range from 2,000 to 5,000 Roubles.

Organisations (commercial concerns, religious associations) may be fined 50,000 to 100,000 Roubles (between nine and 18 times the monthly minimum wage as of 1 January 2014). They may also be prohibited from operating for a period of up to 90 days. Court decisions usually order "extremist" materials to be confiscated and often destroyed (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=1724).

On 2 September 2014, Forum 18 asked the Justice Ministry in Moscow in writing whether it is right that people should be punished for possession of religious texts which do not incite hatred or the violation of human rights in other ways, and whether the prosecution of such cases is a sensible use of police and prosecutors' time. Forum 18 had received no reply by 22 January 2015.

Unsuccessful appeal for clemency

After being fined 50,000 Roubles (6,000 Norwegian Kroner, 660 Euros or 770 US Dollars) in October 2014 for possession of "extremist" material in one of its mosques, the Sverdlovsk Regional Spiritual Administration of Muslims attempted to have the sentence overturned on the grounds that its financial situation is difficult and it had not intended to commit an offence.

At the appeal hearing at Sverdlovsk Regional Court on 16 December, however, Judge Tatyana Chirkova upheld the original ruling, "because the violation presents a significant threat to legally protected interests" and because it was already the lowest possible fine for a religious organisation.

Prosecutors originally took the Administration to court over the discovery, during an "anti-extremism" inspection in July 2014, of 22 titles from the Federal List, including books, brochures, audio recordings and films on DVD. These materials, among which were "Fortress of a Muslim" and "Gardens of the Righteous", were allegedly kept on open shelves in the imam's office, lecture hall, and other rooms of the Ramazan mosque in Yekaterinburg. Judge Nataliya Nikolenko of the city's Chkalovsk District Court upheld the prosecutor's suit on 22 October 2014.

The Chkalovsk District Prosecutor's Office also issued mosque imam Albert Bayazitov with a formal warning about the inadmissibility of "extremist" activity.

"We overlooked them, we were careless," Mufti Ravil Mamleyev told IslamNews.ru news website on 13 September 2014, after learning that his organisation was to be prosecuted. He added that the various materials had been in the mosque for at least 15 years, and had been bought or given as gifts before the Federal List came into existence.

This case illustrates the practical difficulties "extremism" bans and the Federal List present to religious organisations. Although the List is freely accessible on the Justice Ministry's website, it now runs to over 2,500 items, sometimes does not fully describe the exact edition of published materials, and is only sporadically updated, meaning months may pass between a court's "extremism" ruling and a text's appearance on the List (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=1724).

The Sverdlovsk Regional Spiritual Administration has now appointed an imam to monitor the Federal List and court decisions and keep other Muslim clergy in the region updated.

A spokeswoman for the Chkalovsk District Prosecutor's Office told Forum 18 on 21 January that requests for information should be submitted in writing. Forum 18 sent an email before the end of the working day in Yekaterinburg.

Shopkeepers

Shopkeepers or stallholders were the subject of five cases found by Forum 18 (four known to involve Islamic literature, one a Jehovah's Witness text). These took place in Chechnya, Dagestan, Altai Region, and Khanty-Mansiysk Autonomous District of Tyumen Region.

On 4 December 2014, Aleksandr Alyokhin, owner of the Bukinist second-hand bookshop in the city of Biysk (Altai Region), was found guilty of selling a copy of the Jehovah's Witness text "Knowledge that leads to everlasting life" for 20 Roubles. The book was banned in a ruling by Rostov Regional Court in September 2009 (upheld by Russia's Supreme Court in December 2009). This is the only instance of a shopkeeper being fined for possession of Jehovah's Witness literature which Forum 18 found in 2014.

Alyokhin's lawyer claimed that his client had not known the book had been ruled "extremist", according to the written verdict, seen by Forum 18. Nevertheless, Judge Mikhail Yuzhaninov of Biysk City Court fined him 2,000 Roubles.

Prosecutor's Office officials found and bought the incriminating text during an inspection of the shop, part of their "regular monitoring of compliance with the law on combating extremism", according to an 18 December 2014 online press release. They presented the sales receipt in court as evidence of "mass distribution".

The press release also claimed that the book had been kept on the shop's counter, thus affording customers "the opportunity freely to access and become acquainted with the contents of this publication".

On 20 January, a spokeswoman for the city Prosecutor's Office directed Forum 18 to a general enquiries number. This went unanswered on 20 and 21 January.

Offering banned Islamic literature for sale more often leads to prosecution of shopkeepers and stallholders. On 24 December 2014, Satsita Chukuyeva, the proprietor of a shop selling Islamic goods in Grozny (Chechnya) was found guilty of "mass distribution" of several copies of Said Wahf al-Qahtani's "Fortress of a Muslim: an appeal to Allah through prayers". This collection of prayers and greetings for various situations was banned by Lenin District Court, Orenburg, in March 2012. Chukuyeva was fined 1,000 Roubles in a hearing at Grozny's Lenin District Court.

The books were found during an inspection by police, Prosecutor's Office officials, and representatives of the city administration's department for religious and public organisations. This took place as part of a wide-ranging operation checking compliance with "anti-extremism" legislation at Islamic shops in central Grozny and at the city's Berkat market, according to the Caucasian Knot news website.

A press spokeswoman for the Prosecutor's Office of the Chechen Republic directed Forum 18 to the office of Vladimir Batenin, head of the department for monitoring compliance with federal security, "anti-extremism", and anti-terrorism legislation. His telephone went unanswered whenever Forum 18 called on 21 and 22 January.

Hearings to resume in Orenburg case

A total of 11 of the court decisions seen by Forum 18 involved Muslim texts ruled "extremist" at Lenin District Court in Orenburg on 21 March 2012. This ruling covered the largest quantity of religious literature banned in a single court case, prohibiting 68 texts in total and drawing condemnation from Islamic bodies, publishers and human rights groups (see F18News 30 July 2012 http://www.forum18.org/archive.php?article_id=1726).

Several appeals against the decision are still pending. 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 eventually completed in September 2014 and passed to lawyers in the case in January 2015.

According to documents seen by Forum 18, the repeat psychological and linguistic analysis, which runs to more than 250 pages, was carried out by Vladimir Lepsky (Russian Academy of Sciences' Department of the History and Philosophy of Science), Rostislav Prokopishin (Moscow City Psychological-Pedagogical University), Aleksandr Tkhostov (General Psychology Department, Moscow State University), and Yekaterina Palekha (Institute of Philology and Intercultural Communication, Kazan Federal University).

The first hearing in nearly two years will take place at Orenburg Regional Court on 26 February 2015, Nurzhigit Dolubayev, the Orenburg-based lawyer for one of the publishers trying to overturn the ban, told Forum 18 on 21 January.

Acquittals and appeals

Forum 18 found two acquittals in the last four months of 2014. On 24 October 2014 at Zelenchuk District Court in Karachai-Cherkessiya, Judge Oksana Shcherbina halted proceedings against R. Chipchikov "in the absence of an offence".

An FSB security service "anti-extremism operation" had found a copy of "Fortress of a Muslim" in Chipchikov's house in the village of Storozhevaya. Prosecutors accused Chipchikov of passing it to friends, relatives, and fellow attendees of the mosque. According to the written verdict, seen by Forum 18, the judge ruled that minor discrepancies between the seized copy of the book and the description on the Federal List meant there was "no indisputable evidence of an offence", and ordered that the book be returned to Chipchikov.

Although in most cases involving a single copy of a banned text, the single copy is enough to convict the defendant, Judge Aleksey Solovyov ruled otherwise on 22 October 2014 at Solnechny District Court in Khabarovsk Region.

Defendant A. Gorbach did not dispute passing Jehovah's Witness texts to two other people, but denied distributing "extremist" literature. Among the materials officials seized from Gorbach's flat, only one title, "What does God demand from us?" (banned by Gorno-Altai City Court, Altai Republic, October 2009) is on the Federal List. The judge considered that in Gorbach's actions, the "mass nature of the distribution of extremist materials" was not evident. He ordered the single prohibited book to be destroyed, and

the rest returned to Gorbach.

Long-term effects

In Samara and Taganrog, Jehovah's Witness communities have suffered enforced dissolution as "extremist" organisations, the court decisions driven by their convictions for "mass distribution" of extremist literature in March 2014 and September 2009 respectively (see F18News 20 November 2014 http://www.forum18.org/archive.php?article_id=2017).

Another Jehovah's Witness community is in danger of dissolution in the town of Abinsk in Krasnodar Region. Following a similar pattern to the cases in Taganrog and Samara, the regional prosecutor's suit came after a Witness was fined (in October 2013, according to the Abinsk District Court website) for handing out the organisation's texts among local residents. The community was also given a formal warning about the inadmissibility of "extremist activity", but allegedly continued to distribute prohibited literature.

Krasnodar Regional Court is now considering whether to liquidate the Abinsk Jehovah's Witness community as an "extremist" organisation. According to the court website, the next hearing is to take place on 23 January.

Russia's Supreme Court upheld the decision to liquidate the Samara community on 12 November 2014. Samara Regional Court originally ordered the dissolution in a ruling of 29 May 2014.

The liquidation proceedings stemmed from a police raid on the community's rented premises in January 2014, which uncovered "extremist" books in a locked box. The city's Soviet District Court imposed a fine of 50,000 Roubles. After an unsuccessful attempt on 17 April to have the verdict overturned, the Jehovah's Witnesses appealed again on 14 July, but this did not stave off the attempt by prosecutors to have the community declared "extremist" and liquidated in the meantime. The July appeal itself was also unsuccessful (see F18News 19 August 2014 http://www.forum18.org/archive.php?article_id=1986).

These cases illustrate the danger that prosecutions under Article 20.29 ("Production or distribution of extremist materials") can pose to religious communities, not only bringing heavy financial penalties but also providing ammunition for future cases against them which may result in their enforced dissolution. (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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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18

Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY