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RUSSIA: Bans demanded for "religious superiority", "religious hatred"

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

A judge in the Urals has ordered new analyses of two Muslim books prosecutors are trying to have banned as "extremist", Forum 18 News Service has learned. The first analyses by an FSB security service specialist claimed that a Russian-language collection of hadith (sayings of the Muslim Prophet Mohammed) and an Islamic examination of the Christian doctrine of the Trinity promote "religious superiority" of one faith over others and incite "religious hatred". Similar arguments have been used to ban Jehovah's Witness works as "extremist". The right to believe in the inherent truth and superiority of one's own faith is part of the right to freedom of religion and belief. And, as Ilhom Merazhov – an Islamic scholar defending the two works against the prosecutors' suit – argues, "cannot by itself be regarded as an act aimed at inciting hatred or enmity". Religious publications, websites, webpages and apps continue to be banned as "extremist" elsewhere in Russia.

Prosecutors in Sverdlovsk Region in the Urals are seeking to have a Russian-language collection of hadith (sayings of the Muslim Prophet Mohammed) banned as "extremist", Forum 18 News Service has learned. Another text – an Islamic examination of the Christian doctrine of the Trinity – could also be outlawed. A court ordered second analyses of both in May. The first analyses by an FSB security service specialist claimed to have found that they both promote "religious superiority" of Islam over other faiths and incite "religious hatred".

Similar arguments have been used to ban Jehovah's Witness publications which, in a recent case in Belgorod Region, the community is now trying to challenge (see below).

On 17 February, Russia's Constitutional Court ruled that rights to freedom of speech, conscience and religion are not infringed by outlawing material as "extremist" for proclaiming the truth or superiority of one religion or belief system's teachings. The case was brought by Sergey Alyokhin, who was involved in a 2011 case in Krasnodar which resulted in the banning of material from the Chinese spiritual movement Falun Gong (see F18News 14 December 2014 http://www.forum18.org/archive.php?article_id=1782).

Any Russian court can declare a work (book, leaflet, song, slogan, video, website or webpage) "extremist". The Justice Ministry is then empowered to place such a work on its Federal List of Extremist Materials. Ownership of a work on the list can lead to prosecution. Numerous Muslim and Jehovah's Witness works have been placed on the list, together with several Falun Gong and one Catholic publication (see F18News 20 March 2015 http://www.forum18.org/archive.php?article_id=2049).

Not only hard copies of religious material may be targeted by law enforcement, Forum 18 notes. Websites, webpages and apps found to contain "extremist" material may be blocked by court order or directly by the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor), and added to the Unified Register of Banned Sites, rendering them inaccessible inside Russia.

Pervouralsk

The two books prosecutors in Sverdlovsk Region are seeking to ban – the Russian-language hadith collection and Islamic examination of the Christian doctrine of the Trinity – were seized from the Sabr Muslim community's mosque in the town of Pervouralsk during an inspection in 2014, carried out by law enforcement agents to check compliance with anti-extremism legislation.

After linguistic analysis of the material by FSB specialist Svetlana Mochalova, prosecutors submitted two suits to Pervouralsk City Court. The Sabr community and its parent organisation, the Kazyyatskoye Administration of Muslims, have been named as "interested parties" in the suits, but do not currently face charges themselves. They have invited Ilhom Merazhov (an Islamic theologian from Novosibirsk) and Sergei Mezentsev (a specialist in religious studies from Moscow) to act as expert witnesses.

On 18 May, Judge Natalya Kukushkina ordered religious and psychological analyses of both texts and adjourned proceedings until this is completed. It is unknown when hearings will resume. According to Merazhov, this further analysis will also be conducted by

the FSB security service, but must be paid for by the mosque community.

When Forum 18 called Pervouralsk City Prosecutor's Office on 4 June and asked a spokeswoman about the attempt to ban these texts, the phone was immediately put down.

Hadith collection

"Selected Hadith", a Russian-language translation published in Kazan in 2003, consists of several hundred sayings attributed to the Muslim Prophet taken from the six accepted and authoritative sources of hadith, accompanied by brief explanatory comments. Muhammad Yusuf Kandahlawi compiled and edited the collection. Kandahlawi (1917-1965) was an Indian-born Islamic scholar and teacher, and a major figure in the Tabligh Jamaat movement, which is banned in Russia as an extremist organisation.

According to Merazhov and Mezentsev's expert witness statements to the court, seen by Forum 18, linguist Mochalova concluded that the book promotes "the religious superiority of Islam over other religions" and incites "religious hatred towards Christianity".

Merazhov asserts that the FSB analysis confuses the illegal denial of civil rights or legal benefits to citizens on the basis of religion with "the conviction of believers that their religion is the most correct and true, from which the infringement of civil rights does not follow". The right to believe in the inherent truth and superiority of one's own faith is part of the right to freedom of religion and belief, and, as Merazhov argues, "cannot by itself be regarded as an act aimed at inciting hatred or enmity".

Mochalova highlights a hadith which states that believing Muslims go to paradise after death while unbelievers go to "the Fire". Merazhov argues that statements about belief in the afterlife "cannot be matters of trial in a secular state".

Ancient texts can contain statements opposed to present-day understandings of the rights of others, gender equality, freedom of religion or belief and other human rights, Forum 18 notes. A refusal to acknowledge the context in which ancient texts were written, their subsequent interpretation, and the impact they have had on people can lead to arbitrary criminalisation of texts. Such bans can undermine the very values the ban is supposed to uphold.

Doctrine of the Trinity

"Is the Doctrine of the Trinity Divinely Inspired?" was written by Muhammad Ameen Cave and appears to have been originally published in English in 1996. In the introduction, the author states that he is a convert from Christianity to Islam. The text which is the subject of the Pervouralsk suit is a Russian translation.

Mochalova's analysis, dated 4 December 2014 and seen by Forum 18, also asserts that the book intends to promote "the religious superiority of Islam over other religions" and incites "religious hatred towards Christianity".

The analysis draws attention to several passages which argue that the Christian idea of the Trinity "perverts" the "true" nature of God, and describe the concept as "not biblical but fallacious, baseless, senseless, repugnant, and contrary to reason" (Cave's words). By arguing that teachings about the Trinity "degrade the human intellect", Cave is "thereby emphasising the inferiority of Christians who believe in this doctrine" (Mochalova's words).

The right to assert the truth of one's own beliefs and to criticise any or all other beliefs is a fundamental part of freedom of religion and belief.

As long as the Extremism Law remains "unclear and ambiguous", attempts to ban books will continue, Merazhov remarked to Forum 18 on 4 June. The situation will only improve, he believes, if there are "firstly, clear comprehensible laws, and secondly, a precise, commonly accepted method of conducting these expert analyses". At present, "any book can be considered extremist and banned which talks about its own truth", even if, as in the two Pervouralsk cases, it contains no calls for violent action.

Meanwhile, Muslims in Pervouralsk fear that if "Selected Hadith" and "Is the Doctrine of the Trinity Divinely Inspired?" are ruled "extremist" by the City Court, further punishments against their community will follow and their mosque might be closed.

If the hadith collection is outlawed, Merazhov predicts "outrage among believers, and distrust of the legal and judicial system".

Jehovah's Witnesses appeal against ban

An appeal against the ban on two Jehovah's Witness brochures is due to be heard at Belgorod Regional Court on 11 June, a Jehovah's Witness spokesperson told Forum 18 on 5 June.

On 4 March the city's October District Court found that "The Son Will Reveal The Father" contained "propaganda of exclusivity and calls for inciting religious hatred", while "Was life created?" was deemed to include references to the "Book For All", already banned by Rostov Regional Court in 2009.

The court also ordered the Administrative Centre of Jehovah's Witnesses in Russia to pay 15,000 Roubles to cover the cost of "expert analysis" of the texts, which was carried out by Belgorod State University (see F18News 20 March 2015 http://www.forum18.org/archive.php?article_id=2049).

Orenburg

In February, Judge Kira Annenkova of Orenburg Regional Court overturned (for procedural reasons) a lower court decision banning 68 Islamic texts as extremist. The new decision partially upheld the prosecutors' original suit and stipulated that only 18 texts should be included on the Federal List (see F18News 20 March 2015 http://www.forum18.org/archive.php?article_id=2049).

Although lawyers in the appeal case initially believed that the remaining titles had been reprieved and that any subsequent prosecution under Administrative Article 20.29 ("Production or mass distribution of extremist materials") would be illegal, these 50 items will in fact remain on the Federal List until the case is re-examined by the original court.

Forum 18 has found at least two cases of fines imposed for distribution of these texts after the Regional Court decision came into force (see F18News 15 May 2015 http://www.forum18.org/archive.php?article_id=2062).

Asked why no Orenburg titles had yet been removed from the Federal List, the Justice Ministry explained to Forum 18 on 4 June that, if a verdict has already been fulfilled, any re-examination of the case which results in the cancellation of that verdict should either explicitly reverse the original decision or send it back to the original ("first instance") court for resolution.

Judge Annenkova's written verdict, which dates from 27 February but only became available in April, orders 18 items to be included on the Federal List, but makes no mention of what should happen to the remainder. Article 445 of the Civil Procedural Code states that "If in a higher court judgment, decision or ruling there is no guidance on reversing the fulfilment of the [original] court verdict, the defendant is entitled to submit an application to the court of first instance". Lawyers attempting to have the Orenburg materials removed from the Federal List will therefore have to return to the city's Lenin District Court.

Lenin District Court ruled that the publications were "extremist" in March 2012 in a hearing lasting only 20 minutes. The decision remains the biggest single known banning of religious literature by a Russian court. The banning decision only became public, however, in June 2012 - after the period for appeals had passed (see F18News 19 June 2012 http://www.forum18.org/Archive.php?article_id=1713).

Although the Regional Court later accepted five appeals by authors and publishers, the delay meant that the District Court ruling could come into force in the meantime and be fulfilled by the addition of the 68 titles to the Federal List. This has led to numerous prosecutions across Russia for distribution of the banned texts under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials") (see F18News 31 March 2015 http://www.forum18.org/archive.php?article_id=2052).

Same books, different bans

Several of the items banned in Orenburg have also been the subject of "extremism" rulings in different editions in other parts of Russia. Even if the Orenburg ban is ultimately entirely lifted, therefore, individuals will need to check the edition of a book carefully in order to avoid prosecution for mass distribution of extremist materials.

A 16 February decision by Judge Nadezhda Rogova at Kurgan City Court, for instance, banned three further editions (dating from 2006, 2009, and 2010) of Said bin Ali bin Waqf al-Qahtani's "Fortress of a Muslim". This is a collection of prayers and greetings for various situations (such as "What to say when entering the home", "Invocations for visiting the sick", and "Invocations for travelling").

According to the verdict, seen by Forum 18, the books were uncovered during an FSB inspection of a prison. FSB linguistic analysis concluded that the text "contains information aimed at promoting the religious exclusivity and superiority of Islam over other religions, as well as incitement to religious hatred and enmity towards non-Muslims, and hidden incitement to violence against non-Muslims".

Online material targeted

After carrying out internet monitoring, Stavropol Regional Prosecutor's Office requested that two sites, each containing the text of a different edition of al-Qahtani's "Fortress of a Muslim", should be blocked. On 20 April, Judge Aleksandr Korobeynikov upheld the prosecutors' suit at Stavropol's October District Court, and banned access to pages on islamvmoldove.com and rasoulallah.net, according to court records. Roskomnadzor added both sites to its Unified Register of Banned Sites on 26 and 28 May respectively.

Russia's General Prosecutor has also applied to Roskomnadzor to block access to the text of "Fortress of a Muslim" via the Apple and GooglePlay online app stores, Roskomnadzor spokesperson Vadim Ampelonsky told "Izvestiya" newspaper on 21 May.

Nizhny Tagil video ban

A YouTube video by Australian Islamic filmmaker Kamal Saleh has been banned by Tagilstroyevsky District Court in Nizhny Tagil (Sverdlovsk Region). Judge Igor Andreyev ruled on 30 March that "Jesus in Islam and Christianity" should be added to the Federal List.

The five-minute film, posted on a Russian Muslim YouTube channel, consists of the recitation of an English-language poem questioning the Christian view of Jesus, dubbed into Russian. "In the video, the divine nature of Christ is denied, which is quite natural for preachers of Islam," the Moscow-based SOVA Center for Information and Analysis noted on 5 June. "Such theological issues are, however, outside the scope of anti-extremist legislation."

The video was added to Federal List on 4 June, but does not yet appear on the Unified Register.

No response to website ban challenge

Russia's Supreme Court has still not responded to the appeal against the ban on the Jehovah's Witnesses' main international website, jw.org. "The supervisory appeal was filed with the Chair of the Supreme Court. We have received no answer from him," the Jehovah's Witness spokesperson told Forum 18 on 8 June.

The website had been blocked by Tver's Central District Court in August 2013 after FSB investigators found it to contain seven items from the Federal List. Jehovah's Witnesses successfully appealed against the ban at Tver Regional Court in January 2014 (see F18News 27 January 2014 http://www.forum18.org/archive.php?article_id=1920).

The Supreme Court ruled the site "extremist", however, on 2 December 2014 (see F18News 3 December 2014 http://www.forum18.org/archive.php?article_id=2020). A supervisory appeal was submitted in early February 2015 (see F18News 20 March 2015 http://www.forum18.org/archive.php?article_id=2049).

Roskomnadzor added the website to the Unified Register of Banned Sites on 26 January 2015. It is now inaccessible within Russia in all languages, not only Russian, Forum 18 notes. (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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