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RUSSIA: Ban on Hizb ut-Tahrir not to be challenged?

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

Following Russia's ban on Hizb ut-Tahrir as a terrorist organisation, a Moscow-based human rights organisation has been given an official warning, for publishing a Muslim leader's statement questioning the ban's soundness, Forum 18 News Service has learnt. Hizb ut-Tahrir claims to reject violence – though the sincerity of this rejection has been strongly questioned – and those charged in Russia with membership claim that they are being persecuted for their religious beliefs. Following appeals from Muslims charged with membership, the Memorial Human Rights Centre published an analysis of Hizb ut-Tahrir's brochures by Sheikh Nafigulla Ashirov, head of the Spiritual Directorate of Muslims of Asiatic Russia. Ashirov wrote that the brochures contained nothing that "could be viewed as calls to violence," but rather contained "a theoretical point of view about a path towards creating an Islamic society." The Moscow Public Prosecutor's Office then demanded the removal of Ashirov's analysis from Memorial's website. Memorial has complied with the demand, and has since filed a legal challenge against it.

A Moscow-based human rights organisation was recently given an official warning, for posting on its website a Muslim leader's statement questioning the soundness of a ban on Hizb ut-Tahrir as a terrorist organisation, Forum 18 News Service has learnt.

A self-styled international Islamic political party that claims to reject violence, Hizb ut-Tahrir has had many of its members imprisoned in Central Asia (see F18News 29 October 2003 http://www.forum18.org/Archive.php?article_id=170 and 16 February 2004 http://www.forum18.org/Archive.php?article_id=253). Those charged with membership of the organisation in Russia have maintained that they are being persecuted for their religious beliefs (see F18News 18 April 2006 http://www.forum18.org/Archive.php?article_id=761). The official warning followed the controversial decision to outlaw Hizb ut-Tahrir as a terrorist organisation (see F18News 10 April 2006 http://www.forum18.org/Archive.php?article_id=755).

In closed session on 14 February 2003, Russia's Supreme Court included Hizb ut-Tahrir among 15 organisations banned as terrorist. While the remaining 14 – including Al-Qaeda and the Taliban – were cited by the court as having committed or funded terrorist acts, Hizb ut-Tahrir was found to be "an organisation which has as its aim the removal of non-Islamic governments and the establishment of Islamic government on a worldwide scale by means of reviving the 'Worldwide Islamic Caliphate,' initially in regions with a majority Muslim population, including Russia and the countries of the CIS." The verdict also stated the organisation's main forms of activity to be "militant Islamic propaganda, accompanied by intolerance of other religions, active recruitment of supporters, work focused upon creating a schism in society (primarily propagandist with powerful financial backing)" and noted that it was banned "in a number of states in the Middle East and the CIS."

Following this decision – which has still to be officially published – a number of regional courts tried and imprisoned local Muslims for membership of Hizb ut-Tahrir (see F18News 18 April 2006 http://www.forum18.org/Archive.php?article_id=761). Responding to appeals from these Muslims, the Moscow-based Civil Assistance Committee of Memorial Human Rights Centre began to investigate, its director Svetlana Gannushkina told a 28 February 2006 press conference at the Russian capital's Independent Press Centre. "We decided we needed to turn to someone who would understand how their [Hizb ut-Tahrir's] language would be received in Muslim circles," she maintained, explaining her Committee's request for an analysis of Hizb ut-Tahrir's brochures by Sheikh Nafigulla Ashirov, who heads the Spiritual Directorate of Muslims of Asiatic Russia.

Ashirov's 16 May 2005 conclusion found nothing in this literature that "could be viewed as calls to violence, to violent overthrow of the authorities, to the violation of the rights of citizens on the basis of their attitude to religion or to other violations of the law." Instead, he maintained, the brochures contained "a theoretical point of view about a path towards creating an Islamic society," stated as coming about "by means of authentic propaganda of Islamic views in society."

Forum 18 notes the presence in Hizb ut-Tahrir publications of violently antisemitic views, and its denial of key human rights including religious freedom (see F18News 10 April http://www.forum18.org/Archive.php?article_id=755).

Following the circulation in mosques of Ashirov's analysis, however, Moscow Public Prosecutor's Office wrote to Memorial on 26 February 2006 demanding the removal within three days of Ashirov's analysis from its website: "According to the conclusion of a legal socio-psychological expert analysis, [Ashirov's] conclusion may be evaluated as propagandist material from the point of view of social psychology. Its main characteristics are the falsification of facts and the conscious use of one's religious authority for

political aims." Assistant public prosecutor Sergei Lapin also maintained in the demand that "there are sufficient grounds to suppose that the circulation, including via the Internet, of this document facilitates popularisation of the banned international organisation Hizb ut-Tahrir," and warned that, by allowing it to appear on its website, Memorial's actions "may be evaluated as aimed at justifying the actions of a terrorist organisation, which is inadmissible."

Describing the demand as "Kafkaesque" at the 28 February press conference, chairman of Memorial's governing council Oleg Orlov noted that his organisation had not been familiarised with the anonymous "socio-psychological expert analysis" upon which it was based. Stressing that she did not like Hizb ut-Tahrir "just as I don't like communism or any other totalitarian ideology," Svetlana Gannushkina remarked upon the irony that Ashirov had not even quoted from Hizb ut-Tahrir's brochures in his conclusion, "and now the Public Prosecutor judges what is traditional and what is non-traditional in Islam, not Ashirov." While complying with the Public Prosecutor's demand, Memorial has since filed a legal challenge against it.

In a 10 August 2005 analysis still on the Memorial website, Moscow-based legal specialist Yuri Kostanov argues the February 2003 Supreme Court decision to be unlawful due to such procedural violations as its closed nature, lack of publicly announced verdict and simultaneous consideration of 15 organisations - "common rights are not the same as joint rights." With regard to Hizb ut-Tahrir, he points out that "propagandist activity not accompanied by calls to violence (and the Supreme Court did not observe such calls) cannot serve as a basis [for a legal ban]."

Also speaking at the 28 February press conference, Svetlana Gannushkina's colleague Vitali Ponomarev described as "Stalinist" the fact that a Hizb ut-Tahrir member from the northern city of Nizhnevartovsk was prosecuted on the basis of his request to the local public prosecutor for a copy of the Supreme Court's ban so that he could mount a legal challenge against it.

Since the ban, Russian state representatives have continued to insist that Hizb ut-Tahrir is engaged in terrorism. In a statement to Izvestiya daily newspaper on 22 November 2004, for example, the Interior Ministry of Tatarstan maintained that "Hizb ut-Tahrir cells are deeply conspiratorial, their leaders and members keep daily records of their recruitment and other activity, study materials on the organisation of terrorist attacks and military action, and utilise the experience of other terrorist organisations, including Al-Qaeda and the Taliban." (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>

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY