

**MUSLIM PROBLEM RESEARCH CENTER IN RUSSIA**

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Report about Russian anti-extremist legislation and related with it impairment of rights of Russian Muslims.

In 2014, the situation in the field of Muslim rights steadily deteriorates. The reason for this becomes cultivated in the society Islamophobic hysteria disguised under so-called war on terror.

It stands to reason that in today's world there have been a lot of threats arisen to currently existing states, and they take attempts to make themselves safe from them. But, in our view, one cannot justify large-scale violations of rights of citizens including Muslims by means of higher state interests, and ignore all the government guarantees to their people enshrined in home-base and international legal acts.

One cannot forbid people to think, to read books, to talk to each other, to gather in peaceful assemblies, and to debate about socially significant issues.

Today, however, authorities of many countries commence to resort to punitive methods of struggle against any point of view differing from the governmental one.

When it comes to speaking of Russia, the main tool for combatting both political and religious dissent has become anti-extremist legislation and emanating from it lists of extremist literature, video files, websites, lists of extremist organizations, lists of people suspected of extremism and arising under it restrictions such as inability to use banking accounts, inability to engage in certain kinds of professional activities.

Over the past year the Criminal Code of Russia was refilled with new penal articles concerning countering extremism. There appeared such an article as financing terrorism.

In addition, sanctions of the already-existing penal anti-extremist articles were significantly tightened, and if earlier these articles could have been related to the articles of light weight, so then they became more serious articles supposing sanctions up to 8 years of imprisonment.

And it is in spite of the fact that it was more than once said that Russian anti-extremist legislation requires introduction of more precise statements regarding the essence of the definition of extremism, since it has legal uncertainty including necessity to contribute to this definition such qualifying feature as violence.

The existing legal uncertainty of this anti-extremist legislation has already proved its danger to rights of political, religious and national figures and their organizations.

These findings were reached by many Russian lawyers, human rights organizations as Russian so and international. Recently Muslim religious figures also commenced to announce about it. Furthermore, this issue was reflected in conclusion No. 660/211 of European Commission for Democracy through law regarding the Federal law “On Countering Extremist Activity” adopted by the Venice Commission at 91-1 plenary session from June 15-16, 2012.

Survey of Russian judicial practice for the last few years confirms that anti-extremist legislation in the existing current form opens wide opportunities for arbitrariness and abuse in regard to Russian citizens’ enjoyment of their rights to political, religious and media activity as well as rights of national minorities in the field of preservation of their national culture and identity.

At year-end 2012, there can be 260 of litigation proceedings in the matter of extremism ascertained. There were 325 people as defendants in the courts; as a result 208 of them were determined guilty and received term of imprisonment.

Total numbers of 2013 showed that there were 402 cases on the charge of violation of “extremist articles”. There were 454 people under cloud; guilt was evidenced in regard to 309 people who were condemned.

Over a period of 8 months of current 2014 year, law enforcement officials continue to record the increase of court cases on charges of extremism. Over the specified period, there were 485 cases of documented facts of violation of “extremist articles” submitted by police officers. There are 594 defendants in the cases of the current year.

Law enforcement officials identified leaders among the regions of the Russian Federation on the level of extremist sentiments. Thus, there were 38 criminal cases on the charge of inhabitants of the Sverdlovsk Region reviewed by the judicial authorities. Citizens of Tatarstan were called to account for extremism 33 times throughout the current year.

Within the previous 2013 year as alleged by the representatives of Ministry of Internal Affairs of the Russian Federation, there were more than 5 hundred materials of extremist content removed from the Global network. Also, approximately 400 of web-resources promoting unlawful views were blocked.

List of materials (websites, prints, videos) declared as extremist and included in the Federal list of extremist materials as of September 21, 2014 has risen to 2500, about 140 material are also prohibited by the courts on the terms of their coming within the anti-extremist legislation but due to some reasons not included in the Federal list of extremist materials, at least 60 online-resources are included in the Unified register of banned sites. (“Unified register of domain names, URL and IP-addresses allowing to identify Internet sites containing information which is prohibited to be spread in the Russian Federation”). Therefore, over a period of 1 year, the number of outlawed materials rose about 500 points. Also, about 60 Internet resources fell under the ban.

Positive dynamics of change in the number of court cases by the extremist articles may indicate that the current legal uncertainty of anti-extremist legislation opens up possibilities for unfair interpretation of any deed of a citizen directed to enjoyment of his legal right to political, religious, national or media activity followed by his indictment as a defendant in one of the extremist articles.

This tendency can be seen in the summary reflecting only a part of facts concerning to prosecution of certain Muslim organizations and plain Muslims.

In early 2014 in the Orenburg region police officers made searches in homes of five Muslims who are the members of Muslim organization “Islamic United Congress of Russia”. During the searches there were “PCs, CDs with video of religious content, 190 samples of religious books, including 36 samples of extremist ones, 7 notebooks with lectures of religious sense, financial and organizational documentation” exempted.

Also, agents of secret services of Dagestan made searches at the domicile of the principal of the Islamic Institute named after M. Umakhanov (Khasavyurt) Israil Akhmednabiyev, his brother in Novosaitli settlement, in the local School of Hafiz, and in the Islamic news agency “Huda Media” in Makhachkala. During the searches, there were PCs, video-lectures, data about activity of the above mentioned news agency, bank details of electronic wallets which were used for rendering of assistance to Syrian refugees, financial documentation, exempted. There were more than 1500 samples of literature in the Arabic language including, in investigation experts’ opinion, extremist materials disclosed in the library of the Institute and School of Hafiz.

In Krasnoyarsk there were operational-investigative activities carried out in the places of assembly and places of residence of Muslims of Krasnoyarsk belonging, according to investigation experts, to the Muslim organization “Nurjular”. As a result, ten Muslims were detained. During the searches, 497 samples of religious literature in Russian and the Turkish language were exempted, 142 of which are prohibited to be spread, as well as 20

electronic data storage devices with religious materials. On the terms of the received data there was a criminal case opened.

As it was mentioned earlier there were 33 people called to account by the extremist articles in Tatarstan. It is worth nothing that the reason of opening of one of criminal cases was an ordinary car run with the shown Islamic symbolics. One of the involved persons of another criminal case has become well-known Tatarian woman writer Fauzia Bayramova, she is prosecuted for her publicly expressed opinion on the Ukrainian events and situation of the Crimean Tatars. There are more than ten cases opened on the charge of cooperation with the outlawed in Russia nonviolent Muslim organizations such as “Nurjular” and “Hizb-ut-Tahrir”.

Law enforcement officials expose Muslim religious organizations to mass inspections, so only in February of 2014, in terms of fulfilling of anti-extremist legislation, there were 83 activities held including Saint-Petersburg and the region, in the Republics of Altai, Mari El, Karelia, Yakutia, Udmurtia, Hakasia, Jewish Autonomous region, the Kamchatka, Arkhangelsk, Astrakhan, Belgorod, Ivanovo, Irkutsk, Kemerovo, Kirov, Kurgan, Omsk, Penza, Pskov, Sakhalin, Sverdlovsk, Tambov, Tyumen, and the Chelyabinsk regions. Muslims are subjected to mass searches and drives to police stations after Friday collective prayers.

The same situation took place in the Islamic Educational Foundation “Enlightenment” in Moscow throughout the year. A year earlier after such searches and mass arrests there ceased the activity the Moscow mosque “Al-Arkam”. Around the same time similar event happened in Saint-Petersburg in the mosque located in the Apraksin yard.

The result of such inspections becomes bringing to criminal and administrative responsibility of plain Muslims, also similar fate touched many official Muslim religious figures, as follows:

In January 2014, there was a case of Ali Yakupov, Imam of Srednaya Eluzan settlement, submitted to the Gorodischensky district court of the Penza region. He was accused of inciting hatred or enmity, as well as in public calls for extremist activity.

Conviction related to Imam of the Kosh-Agachsky region of the Republic of Altai, Serjan Svatov who was called to account for arranging the activities of Muslim organization “Tablig Jamaat” using in their work only sermon, entered into force. It was imposed the final punishment in the form of a fine of 100 thousand rubles.

following people are subjected to administrative liability for storage or distribution of religious writings, from our point of view, unlawfully recognized by the courts as extremist:

- The chief of Muslim religious organization “Nur-Usman” of Yekaterinburg was exposed to administrative prosecution under the article for distribution of outlawed Islamic literature;
- The Pallas district court of the Volgograd region held to bring Imam-khatib of the local mosque Asilbek Ryskaliyev to administrative responsibility under the article for distribution of extremist materials. During the inspection there were 13 books and 7 CDs exempted.
- Imam-khatib of the cathedral mosque of Muravlenko town of the Yamalo-Nenets Autonomous District Ilfir Mansurov was fined under the article for distribution of extremist materials. The reason was that there were outlawed books with no access restrictions in classroom of the mosque.
- The Nadym Municipal Court of the Yamalo-Nenets Autonomous District fined Imam of the mosque Izmail Gazizov and religious noncommercial organization of Muslim society “Cathedral mosque Azat Safa” under the article for distribution of extremist materials. The reason was that there was the book “40 Ahadeeth of Imam An-Nawawi” with no access restrictions in the mosque.
- Mufti Musa Sagov was subjected to administrative fine. The reason was that there was literature, included in the list of extremist materials, exempted in doors of the prayer hall of Handyga settlement of the republic of Sakha (Yakutia).
- The prosecution authorities of the Sverdlovsk region informed of seizure of outlawed literature in doors of local religious organization “Irshad” in Asbest. The Asbest municipal court determined the chief of this organization guilty under the article for mass distribution of extremist materials and condemned him to monetary fine. The outlawed literature turned out to be: the book “Biography of Prophet Muhammad” of Ibn Khisham and “The book of Tawheed” of Muhammad Ibn Suleiman At-Tamimi.
- The prosecution authorities of the Kirov region informed that the court fined the chief of Muslim parish of New Smail settlement under the article for mass distribution of extremist materials. The reason was that according to prosecution authorities’ opinion in doors of parish *“there were books stored in specially-equipped place accessible to all visitors (“On the way to Quran”, “Life of the Prophet”, “Usul-ad-Din in the light of the Quran and Sunna”)*.
- The plant district court of Grozny determined Imam of Tuskhari settlement of Itum-Kalin region Hajji Murtazov guilty under the article for storage with the aim of mass distribution of extremist materials and sentenced him to fine.
- The Artinskian district court of the Sverdlovsk region determined Imam of Ust-Manchazh guilty in distribution of extremist materials and condemned him to

monetary fine with appropriation and annihilation of the outlawed literature. And everything was because of the fact that there was book “The fortress of a Muslim” found in the prayer hall of Ust-Manchazh settlement.

- The prosecution authorities of the Chkalov region of Ekaterinburg initiated a case under the article for distribution of extremist materials in regard to Mufti Ravil Mamleyev and announced caution on the impermissibility of breach of legislation to Imam of the mosque “Ramadan” Albert Bayazitov.

Sanctions are caused due to the fact that during the inspection in the mosque “Ramadan” there were diverse outlawed religious materials (brochures, books, CDs with records of feature movies, audio records) found.

There was one more Muslim organization included in the list of extremist societies.

On August 25th, 2014 there was the Muslim organization named as “Muslim religious organization of Borovsky settlement of Tyumen district of the Tyumen region” added in the Federal list of extremist organizations releasable on the official website of Department of Justice.

Thus, the situation in the field of application of Russian anti-extremist legislation causes sufficient concern for enjoyment of rights of Muslims to confess their religion in full-scale. Also, the fact that the enforcement of anti-extremist legislation in its current form and presentation of this unfortunate practice in mass media provokes anti-Islamic sentiments bearing threat to inter-religious and inter-ethnic concord among citizens of Russia, gives rise to concern.

All the above-listed circumstances warrant early adoption of measures to eliminate causes leading to discrimination of Muslims in the field of enjoyment of their political, religious, ethnic, and media rights, as well as escalation of tension in relationship with other religions and nations living in the RF.

In this regard, we recommend to Government of the Russian Federation:

1. Cease the activity of anti-extremist legislation.
2. Cease the action of all the lists of extremist literature, Internet-resources, persons suspected of extremist activity.
3. Give the legal certainty to the notion of extremism and include in this definition such a qualifying feature as violence or obvious call for it. Perhaps, it is worth to pay attention to recommendations given in the conclusion No.660/211 of European Commission for Democracy through law concerning the Federal law “On countering extremist activity” adopted by the Venice Commission at 91-1 plenary session from June 15-16, 2014. And also consider the possibility to refuse of anti-extremist legislation at all since it just duplicates already-existing articles

in the Criminal Code of the Russian Federation that involve criminal responsibility for violent crimes committed on the grounds of race, ethnic, religious, political hostility, as well as there are the articles with clear-cut and easy-to-understand legal effects for threat of homicide and other speeches founded on hatred and animosity by the above-mentioned features.

4.Rehabilitate all the citizens subjected to prosecution according to anti-extremist legislation existed before the moment of introduction of changes in it.

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