

## **FORCED RADICALIZATION** **(on repression against independent Muslims in Russia)**

During the last decade the problem of relationship of the authority and the practicing Muslim population of the Russian Federation has become extremely urgent. The tension in this relationship is related to the fact that the country's government, declaring respect to all the major religions, at the same time under the guise of fighting extremism and terrorism has targeted a number of trends in Islam, which in turn contributes to the spread of Islamophobia in the society. The methods used in this case by the authorities, are leading to further aggravation of the problem, because they are accompanied by gross violations of human rights.

### **I. Background**

Events of the late 90's and early 2000's both in the world and in Russia contributed to the spread of terminology, binding extremism and its ultra, the most dangerous manifestation – terrorism – with the confessional attribute. The fact that among the terrorist and extremist organizations, as well as those included in the relevant lists without good reason, many are Muslim, gave rise to the term “Islamic extremism”. Although later the authorities in many countries have declared (at least in words and in the context of rhetoric, directly linking terrorism with Islam as a religion in general) their refusal to use it, nevertheless, it rather strongly rooted in the minds of people in general, and the representatives of the security and law enforcement agencies in particular.

In Russia this was significantly contributed by the authorities' peculiar conception of the national domestic and foreign policy interests. The threat of “Islamic terrorism” has been extremely convenient to use the struggle with it, and even more – an imitation of such struggle, to justify the criminal actions of federal forces in the North Caucasus that accompanied the hostilities during the second Chechen campaign, and later – the fabrication of criminal cases on “Islamic extremism” in the rest of Russia. A crucial role was played by the geo-political considerations, which becomes quite clear from the analysis of the agreements concluded within the framework of the Shanghai Cooperation Organization (SCO)<sup>1</sup> and the Collective Security Treaty Organization (CSTO)<sup>2</sup>, and the practice of their application.

Even before Russia's entry into the Shanghai Six, in some regions – primarily in the North Caucasus – serious situations occurred relating to exceeding the existing law and not only peaceful manifestations of radical trends in Islam, which led to a brutal, sometimes disproportionate reaction of the authorities of Russia. The most known example of this kind is the consequences of the invasion of radical Islamists from Chechnya into Dagestan in summer 1999, which was the cause for the federal government “to justify” the beginning of the second war in Chechnya.

But after Russia's ratification of the Shanghai Convention on combating terrorism, separatism and extremism<sup>3</sup> in January 2003, the situation had a quality change: in the entire country, and especially in regions with a high proportion of Muslim population, measures were taken (very often – of imitating kind) to combat the phenomena mentioned in its title. Geopolitical factor reveals itself in the fact that each of the States - parties of the Convention pursue their interests in the suppression of various manifestations of social, political and/or religious activity of their population, which do not always have precisely radical nature, while all other countries

---

<sup>1</sup> <http://www.sectsc.org/> The parties to the SCO are Russia, China, Uzbekistan, Kazakhstan, Kyrgyzstan and Tajikistan.

<sup>2</sup> [http://www.odkb.gov.ru/start/index\\_aengl.htm](http://www.odkb.gov.ru/start/index_aengl.htm) . The parties to the CSTO are Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan.

<sup>3</sup> <http://www.sectsc.org/EN/show.asp?id=68>

without any doubt classify them as terrorism, separatism and extremism. In the Concept of collaboration of the SCO member States in combating terrorism, separatism and extremism<sup>4</sup> “mutual recognition of acts of terrorism, separatism and extremism, regardless of whether legislation of the SCO member States includes the act in the same category of crimes or whether it describes it using the same terminology” is clearly stated as one of the basic principles.

## II. Parade of bans

### • **Prohibition of organisations**

The above principle of “mutual recognition” has led to the fact that the prosecution of various Islamic movements and organizations in the SCO countries was automatically transferred to the Russian ground, and vice versa. Thus, there are good reasons to believe that exactly on this account the first Russian list of terrorist organizations, formed by the Federal Security Service and legitimized by decision of the Supreme Court of Russia of 14 February 2003, included the party “Hizb ut-Tahrir”, repression against members of which in Uzbekistan began in the 90's of the last century. Perhaps, a serious and profound analysis of the ideology of this Islamic political party would give a sufficient basis for recognition of its extremism, however, the lack of proven evidence of involvement of the “Hizb ut-Tahrir” supporters in terrorist attacks and in the doctrinal violence in general does not let the qualification of it as terrorist to be considered as legitimate.

Next was the organization “Nurdzhular”, to which the security services of Russia ranked the followers of Turkish theologian Said Nursi, who is widely respected in the Muslim world. While some experts express serious doubts about its existence<sup>5</sup> and works of Said Nursi were very positively evaluated by many Russian and foreign theologians<sup>6</sup>, by the decision of the Supreme Court of Russia of 10 April 2008 the organization “Nurdzhular” has been recognized as extremist, and its activity on Russian territory was forbidden<sup>7</sup>. It should be noted that after this the attitude toward the followers of Said Nursi in Kazakhstan and Kyrgyzstan, which had previously remained relatively tolerant, has changed dramatically for the worse, as it is evident from publications in the media. In spring of 2009 “Nurdzhular” was also added to the list of organizations that are prohibited within the CSTO<sup>8</sup>.

In this sense notable is the fact of imposing a ban on an entire religious movement – “Salafiyah”<sup>9</sup> – although not in Russia (yet?), but in Tajikistan<sup>10</sup>. Experts recognize that among the Salafists there is not only the radical wing, but also moderate one<sup>11</sup>, however, security forces see them all as a

---

<sup>4</sup> Part II, para.3, subpara.5, ([http://www.kremlin.ru/interdocs/2005/07/05/1307\\_type72067\\_90911.shtml?type=72067](http://www.kremlin.ru/interdocs/2005/07/05/1307_type72067_90911.shtml?type=72067))

<sup>5</sup> <http://islam.ru/rus/2008-04-11/#20652>

<sup>6</sup> From the findings regarding the book “Fruits of Faith” by the Council of muftis of Russia, Central Clerical administration of Muslims of Russia, religious studies from MSU and the Institute of Europe of Russian Academy of Sciences, it follows that the books of Said Nursi can become a vaccination against the ideology of terrorists. At the trial on the case of recognition of S. Nursi’s works as extremist the defendant party presented expertise acts and positive reviews for these books set both by religious and secular figures and organizations, among which there were the muftis Ravil Gainutdin and Talgat Tadjuddin, clerical administrations of Dagestan and North Caucasus, reputable international organizations, experts from the Vatican, the Islamic Council of Europe, the Egyptian Al-Azhar University. The opinion of the Commissioner for Human Rights of Russia Vladimir Lukin and the findings of the Turkish Republic Ministry of Interior, that the works of Said Nursi in this country are not considered extremist, were submitted to the case (<http://www.ogoniok.com/5002/16/>).

<sup>7</sup> <http://www.rg.ru/2008/05/07/vs-reshenie-dok.html>

<sup>8</sup> [http://nvo.ng.ru/wars/2009-03-20/1\\_bandits.html](http://nvo.ng.ru/wars/2009-03-20/1_bandits.html)

<sup>9</sup> In the post-Soviet Central Asia, and then in Russia (since the march of Shamil Basayev on Dagestan in 1999) all Salafists as one became known as “Wahhabis”. According to one of the major Russian Islam researchers A. Malashenko, Wahhabism is just one of the particular manifestations of Salafi tradition.

<sup>10</sup> <http://www.agentura.ru/dossier/tagik/?id=1231490640>

<sup>11</sup> For example, A. Malashenko: “After all it is more appropriate to distinguish the two “fractions” of Salafists – the moderate and the radical” (<http://www.kursach.com/biblio/0002003/401.htm>); M. Roschin: “... there are moderate

threat to public safety and state security – regardless of whether such believers belong to any radical groups, or simply practice the religious rite in accordance with their, albeit quite fundamentalist, beliefs. It is significant in this case that the enrollment of the organisation “Al-Qaeda in the Islamic Maghreb”<sup>12</sup>, formerly known as the “Salafi Group for Preaching and Jihad”, in the list of terrorist and extremist organizations in the framework of the CSTO in spring 2009, was interpreted by media as a ban of Salafiyah in all CSTO member countries. And it will not be surprising if this so-called journalistic inaccuracy is put into practice in the foreseeable future – as a consequence of the above-mentioned principle of mutual recognition as terrorism and extremism of everything that is regarded as such by the SCO member states, almost all of which (except China) are also members of the CSTO.

On 7 May 2009 the Supreme Court of Russia delivered a decision on recognition as extremist of an organization of Muslim missionaries “Tablighi Jamaat”<sup>13</sup>, which radical Islamists criticized for being apolitical<sup>14</sup>. Interestingly, at the same time with the decision to ban “Tablighi Jamaat”, reports appeared in press on enrolling it also in the relevant list of the CSTO<sup>15</sup>, the extension of which had been negotiated by State-parties since March of that year. Bearing in mind that in Uzbekistan members of the “Tablighi Jamaat” started being persecuted much earlier<sup>16</sup>, while only a few years ago activity of the “Tablighis” in the Russian Volga region was encouraged by representatives of the official Islamic High Council<sup>17</sup>, there are good reasons to believe that the ban of this organization also in Russia was due to geopolitical motives. And finally, just like in the case of “Nurdzhular”, shortly after making it to the list of the CSTO, lots of anti-Tablighi publications appeared in the Kyrgyz press.

It should also be noted that the full texts of the decisions to ban organizations due to recognition of their activities as extremist or terrorist have not been officially published and access to them is very limited, which severely limits the opportunities to appeal them in accordance with the law. Moreover, one of the first convicted on charges of belonging to “Hizb ut-Tahrir” has been prosecuted after he filed to the authorities a petition for the relevant text of the decision of the Supreme Court to be available for further appeal.

- **Prohibition of literature**

The need to prevent the spread of extremist materials does not admit of doubt. It is particularly acute in Russia in recent decades due to a sharp increase of the level of all forms of xenophobia, including, religious intolerance. The lack of clear and precise criteria of what is extremist literature, has repeatedly led to the law enforcement officials, who searched the suspects, solving the matter to their discretion. Usually not being experts in any field, except for enforcement of orders of higher authorities, they estimated the seized material “by eye”, basing on which they sometimes made absolutely absurd conclusions<sup>18</sup>. It is also clear that the presence of the accessible to ordinary citizen information about spread of what kind of literature he can be charged with, was no less necessary.

For the first time the federal list of extremist materials was officially published on 14 July 2007 and has since been regularly extended<sup>19</sup>, but the methods of its formation deservedly arouse sharp

---

*Salafists who do not insist on an armed path, but also there are others who insist”* ([http://rus.azattyq.org/content/salafis\\_salafit/1496753.html](http://rus.azattyq.org/content/salafis_salafit/1496753.html)).

<sup>12</sup> [http://nvo.ng.ru/wars/2009-03-20/1\\_bandits.html](http://nvo.ng.ru/wars/2009-03-20/1_bandits.html)

<sup>13</sup> <http://www.rian.ru/society/20090731/179329940.html>

<sup>14</sup> <http://i-r-p.ru/page/stream-library/index-624.html>

<sup>15</sup> <http://www.rg.ru/2008/05/07/vs-reshenie-dok.html>

<sup>16</sup> There is reliable data on prosecution of members of the “Tablighi Jamaat” in Uzbekistan, at least, back in 2005.

<sup>17</sup> <http://ntann.com/news/item/?ID=4481>

<sup>18</sup> For example, in 2005, the author of this review was present in court trial on the case of the involvement of several individuals in the organization “Hizb ut-Tahrir”, where in support of their terrorist tendencies the prosecution referred to the seized book by A. Litvinenko, and Yu . Felshtinsky “FSB Blows Up Russia”.

<sup>19</sup> <http://xeno.sova-center.ru/B8E8556/E230E03>

criticism of experts. Thus, according to Galina Kozhevnikova<sup>20</sup>, “... in the system where the simulation has become the norm, the list is only a natural part of this norm”<sup>21</sup>.

Briefly fairly accurate description of the methods used by the executive power while extending the list of extremist materials, looks as follows<sup>22</sup>: “... the established practices <...> are simple as peanuts. We arrest the suspect on something “extremist” and come to him with a search warrant. We seize everything that seems suspicious (e.g., the book “Mutiny”, especially if the cover does not say that it is by Furmanov). Then everything that is clearly not by Furmanov we refer to an expertise (paid, by the way), and to the court – the civil one. The defendant also goes to court, but to a criminal one. If the civil trial is completed earlier, in a criminal will say: Look, he has kept extremist materials; if the contrary – we shall refer to the fact that a person, from whom the material has been seized, is a convicted extremist. Harmony! Only once the court tried to rebel and dismissed the prosecutor’s civil suit, advising all to be examined within the already ongoing to the utmost criminal process, but was immediately brought to its bearings by the command”.

The federal list is being extended after the entry into force of the relevant court decisions, and with a noticeable delay. Consideration of applications for recognition of materials as extremist belongs to the competence of the district level courts, of which there are almost 2,5 thousands in Russia<sup>23</sup>. In this regard, and given the above-described mechanism for making decisions on the recognition of materials as extremist, only in rare cases the parties concerned – authors, translators, publishers and others – manage to find out even about a court decision, not to mention the practical impossibility to participate in the hearing of the court of first instance and to challenge the position of the party requesting the ban. When it becomes possible after all, the defense party faces additional obstacles<sup>24</sup>. In addition, such a mechanism creates certain difficulties in exercising the right to appeal against the court decisions, because there is a need to restore the missed time-limit for appeal and argue that the court's decision affects the rights and interests of the applicant.

Finally, a significant disadvantage of the list formed this way is the absence in many of its positions of information helping to identify exactly what is prohibited: not always it contains imprints, publication dates and even the authors of banned materials.

As for enforcement practice, despite the presence of even such an imperfect list, the security agencies as a rule during searches of Muslim suspects continue to seize all religious literature, especially published in Arabic, including the Koran<sup>25</sup>, and subsequently not always return the materials that are not prohibited.

### **III. Repressive campaign**

Prohibition of organizations inevitably entails the persecution of people suspected of belonging to them. Under suspicion fall believers that store and learn (even if not distribute!) the relevant literature, and/or whose fashion of exercising the Islamic rituals is associated by the “theologians in private clothes” with the banned Islamic trends. Since the prosecution is carried out by police and secret service, acting under formalized instructions and orders, the investigation documents from time to time contain qualification of religious beliefs of the accused as belonging to the so-called “non-traditional Islam” as evidence proving the accusations, and in trials on the criminal cases “on terrorism” they often study purely theological questions – whether the views of the

---

<sup>20</sup> Deputy Director of the Information and Analytical Center “Sova”, which studies the problems of extremism and xenophobia in Russia in the most detailed and systematic way.

<sup>21</sup> G. Kozhevnikova, “Knife in the fog”, <http://grani.ru/Politics/Russia/m.155262.html>

<sup>22</sup> G. Kozhevnikova, “Heigh-ho, without a cross!” <http://grani.ru/Politics/Russia/m.155836.html>

<sup>23</sup> According to the Judicial Department of the Supreme Court of Russia, in December 2008 2431 courts of the district level operated in Russia: <http://www.cdep.ru/index.php?id=49&item=148>

<sup>24</sup> For example, the trial on prohibition of Russian translations of works of Said Nursi was held in camera, which eliminated the possibility of its independent monitoring.

<sup>25</sup> <http://www.hro.org/node/1424>

defendant conform with the Islamic canons (usually in the interpretation of the same “theologians in private clothes”). The unconvincing term “non-traditional Islam”, which emerged in the first half of the 2000's, proved extremely useful to refer to everything that the security forces are not satisfied with in the religious and religious-political views of Muslims. This at least strange definition became widespread not only in media publications, but also in the court documents in criminal cases – it very often appears in the indictments and court verdicts.

As a result, for already six years in Russia under the guise of “fighting terrorism” a campaign of repression is developing against those whose beliefs were banned, but who did not commit, and did not plan any violent actions and did not provide any other form of support or promotion to terrorism. Apart from the North Caucasus with its clear-cut characteristics, according to our monitoring data<sup>26</sup> to date in Central Russia, Volga Region, the Southern Urals and Western Siberia in dozens of criminal cases (over 50) more than 140 people were convicted, the vast majority of which (about 75%) – sentenced to real deprivation of liberty, including, for over 10 years.

## **1. Target**

The question of what goal do the authorities set when exposing to criminal prosecution those citizens, whose crime is limited to reluctance to abandon their religious or religious-political ideology, was and remains the most interesting. It is impossible to find a rational answer, because a priori it was clear that the ideological repression, however unacceptable in a democratic world perception would the repressed ideology be, can not prevent its spread, and even on the contrary – contributes it. This, in fact, has been confirmed in course of the independent monitoring of this campaign.

All other possible explanations one way or another are reduced to simulation of counter-terrorist and anti-extremist measures by the authorities in order to increase the size of the funding of special services, and at the same time – for mystification of the international community in order to justify actions directed to suppression of unauthorized “from the top-down” and truly independent, particularly religious, activity in the country.

## **2. Means**

### **a) Smear campaigns**

The most important role in the campaign in review was allotted to media. With the help of media, the regime endeavour (and it should be noted – quite successfully) that a significant part of the population perceives the events – arrests of persons “designated” as potential terrorists, and the subsequent trials on them – as dynamic actions of the security forces aimed at preventing serious threat. Identification of bias and even outright lies in the publications of the press, television, etc., is rarely accessible for an average consumer of such information, because it usually requires a substantially greater amount of knowledge about the subject than that he possesses.

### **b) Fabrication of charges**

The elements of fabrication are present in the vast majority of criminal cases of the category in question. Planting explosives, ammunition and banned literature during searches of the suspects is used to “substantiate” the accusations of preparation of terrorist crimes, and only in rare cases it is possible to subsequently exclude them from among the exhibits. But even in those cases where the person under investigation is charged only with participation in the banned organization (usually these are cases of belonging to “Hizb ut-Tahrir”), and even if the defendants do not deny this, the investigation still “supports” the evidentiary material with witness testimonies obtained under duress. Typical is using migrants from Central Asia for these purposes, from whom, under threat of expulsion to the country of origin, they seek evidence confirming the version of the investigation. In courts they are often interrogated as so-called “secret witnesses” who testify

---

<sup>26</sup> This data, of course, is not exhaustive, since it includes only those cases on which there is sufficient information.

under the assigned by the prosecution pseudonyms and in conditions that preclude their audio and visual identification.

c) Torture

There are many statements on application of torture and other prohibited by the UN Convention methods of ill-treatment to the accused, convicts and even witnesses in pending criminal cases<sup>27</sup>. At various periods of time and from different regions, there were reports that security forces, torturing people, claimed that there was a “green light from the top-down” so they can do whatever they want to the detainees. To all, without exception, human rights organizations requests to the prosecutor's office for conducting examinations on the facts of torture described in the claims, answers were received that allegedly “the facts were not confirmed”. However, due to the fact that in many cases the statements of accused persons, collusion between whom was out of question, contained well-consistent information, we have to admit that the facts of impunity for law enforcement officers, who use illegal methods of interrogation, are confirmed.

d) Manipulating judiciary panels

Manipulation of courts and judges to achieve the desired by the authorities outcome of the trial, and primarily in cases with a political context, is an all-Russian problem, and it applies not only to the campaign of fabrication of criminal cases on Islamic extremism. It is therefore quite natural that in examination of the criminal cases, that are being discussed in this review, all of its features reveal themselves: assignment of such cases to judges who have previously proven as reliable performers of guidance of executive power; grave violations of the adversarial principle permitted by such judges in the interest of the prosecution; biased evaluation of evidence, including the recognition of admissibility of evidence obtained with the use of prohibited methods of investigation; putting pressure on lawyers, etc. Until recently manipulation of the panels of jurors was also used, but after excluding cases on terrorism charges from the jurisdiction of the jury, there was no “need” for this anymore.

e) Expertise “programmed” to a required result

Using the expert findings plays a key role in the “Islamic extremism” cases, understandably so, since it is a case of assessing the content of seized during the investigation texts, audio and video recordings, etc. by experts. Therefore, this issue deserves special consideration.

Russian legislation empowers investigating authorities and the court with the right to initiate an expertise and to select the experts<sup>28</sup>. The defense has the right to submit petitions for assignment of the examination to one or another specialist, for challenge of experts, for the formulation of additional questions to the experts, etc., but such petitions are very rarely granted, which in practice leads to disruption of the adversarial principle.

Next we will make an attempt to briefly analyze the quality of a number of expertise examinations conducted under a commission of the investigating authorities and the court on the three most obvious criteria:

- objectivity and independence;
- correctness (eligibility) of the questions assigned for the expert;
- scientific validity of the conclusions.

The degree of objectivity and independence of experts in research, conducted under commission of the investigating authorities, varies while remaining very low. The vast majority of experts judged either from their previously formed concepts of harmfulness of the ideas set out in the sources submitted for study<sup>29</sup>, or from a clear understanding of the fact that the prosecution expects a

---

<sup>27</sup> For more on this see: [http://hro1.org/files/Torture\\_ENG.doc](http://hro1.org/files/Torture_ENG.doc) (<http://hro1.org/node/2971>)

<sup>28</sup> Articles 195 and 283 of the CCrP of Russia.

<sup>29</sup> For example, in 2005 during an interrogation in court hearing a Doctor of historical sciences, professor of religion, to the question of the lawyer about whether she had any definite opinion about the ideology of “Hizb ut-Tahrir” prior

completely certain outcome from them, and it is obviously seen from the texts of their researches<sup>30</sup>.

Curious phenomenon, indirectly confirming the lack of proper freedom in an expert's assessing of the study materials, were also detected. Thus, a theologian NN from Tatarstan in early 2007 on a hearing on one criminal case of the category in review<sup>31</sup> was giving highly competent and objective explanations, confirming a high level of his qualifications. However, a few months later, in his findings on literature seized in another similar case, he used speech and expressions more typical to the mentality and the language of a "fighter of the ideological front"<sup>32</sup> rather than to the lexicon of a scientist – for example: "*The publisher of the book is the publishing house "Badr" known for the fact of publication of Wahhabi and fundamentalist literature in Russia, not without support of the pro- Wahhabi foreign organizations*"<sup>33</sup>. Such a metamorphosis is hard to explain by anything else except for a task put before the expert to form a finding with a given result accommodating the investigative authorities.

The correctness (eligibility) of questions assigned to the experts is often below the level of criticism. The most characteristic shortcomings are assignment of questions containing predictable response in their formulations, and / or not relating to the field of competence of these specialists.

Examples of the first of the above options of incorrect questions include the following:

- *What is the danger for the State and the society from the seized literature of the organization "Hizb-ut-Tahrir al-Islami"?* (questions to a psychologist); option: *What is the danger for Russia, the Russian State and society in general, from the seized literature of "Hizb-ut-Tahrir al-Islami"?* (question to a theologian)<sup>34</sup>;
- *Can the content of printed materials provided for the examination be interpreted as a call for violent change of the constitutional order and territorial integrity of Russia?* (question put to the socio-psychological examination)<sup>35</sup>;

The second defect is sufficiently illustrated by the following questions:

- *What views, ideas, and what activity does this literature express?* – submitted for consideration of a theologian and a psychologist<sup>36</sup>;
- *Do literature, leaflets and other records seized from the accused relate to the activities of "Hizb-ut-Tahrir al-Islami"? What views, ideas, and what activities does this literature express? Is this literature extremist and on what grounds?* – submitted for consideration of a psychologist<sup>37</sup>;
- *Is the content of literature seized from the defendants identical to those having the same name: books and pamphlets [further – list of names]*<sup>38</sup> – put to political scientific expertise.

In addition, as noted above, the purely theological problems became the subject of criminal proceedings, which was also reflected in the questions put for examination – including one, wording of which does not allow to attribute it to legal sphere at all:

---

to the examination, replied that her negative attitude to this organization had been formed long before the study of texts submitted for examination.

<sup>30</sup> In this context, the example of political scientific expertise conducted in 2004 by an expert from the Urals State University is very illustrative. Throughout the study the author gives a quite adequate evaluation of each of the studied sources, but further by very arbitrary inferences "builds" conclusions that do not follow logically from his own previous assessments, but proving the prosecution case.

<sup>31</sup> Case № 300082, court hearing record of 06.03.2007.

<sup>32</sup> This is the way the workers of the ideological sphere were called during the Soviet times.

<sup>33</sup> Expert's findings (№ 3) of 04.06.2007 on the criminal case № 606008, page 8.

<sup>34</sup> Criminal case № 4909202, Ufa, 2005.

<sup>35</sup> Criminal case № 329989, Moscow, 2006.

<sup>36</sup> Criminal case № 4909202, Ufa, 2005.

<sup>37</sup> Criminal case № 4909202, Ufa, 2005.

<sup>38</sup> Criminal case № 606008, Kazan, 2009.

- *Do the documents submitted for research contain any information that contradicts the dogmas of Islamic religious organizations which are not prohibited in the territory of the Russian Federation, if so, which ones and what are the contradictions?*<sup>39</sup> [my underlines - E.R.].

Finally, in one of the recent symptomatic criminal cases a theologian expert was asked, among other things, the questions containing variation of the above-mentioned controversial term “traditional Islam” as a criterion:

- *<...> do the materials presented for research contradict to the traditional interpretation in the religion of Islam? <...> does the traditional interpretation of the term “caliphate” in the religion of Islam comply with the definition, used in the ideological concept of the “Party of Islamic Liberation” (“Hizb ut-Tahrir al-Islami”)?*<sup>40</sup> [my underlines - E.R.]

The scientific validity of the conclusions of the complex of 14 psychological expert examinations<sup>41</sup> – most recent and most “scientese” among those at our disposal – was the subject of a study conducted by independent experts<sup>42</sup>. Building on the principles of the scientific methodology<sup>43</sup>, they reviewed the given expertise estimating on the criteria with which an expert examination must comply, so that its conclusions could be found valid:

- i. definition of the object of expertise;
- ii. definition of certain class of objects of comparison;
- iii. definition of criteria for assessing the examination object;
- iv. choice and justification of the method of research;
- v. conducting the expert examination and a description of its holding;
- vi. description of the features of the object of examination, discovered during the expert examination;
- vii. correct formulation of conclusion;
- viii. comprehensive description of carrying out the expert examination in the findings of the expert.

The results of the review showed that none of the 14 examinations studied matched any of those criteria, and therefore it is absolutely impossible to recognize any conclusions reached by the expert as scientifically valid.

The quality of the political scientific examination carried out under the court order during the examination of the same criminal case also raises serious criticism. Of the two questions submitted for its consideration, the second one does not even contain a subject of political science and relates more to linguistics (see above question about the identity of literature seized from the defendants).

As regards the first question:

- *do the materials submitted for examination contain statements on forcible seizure of power in the Russian Federation, violent change of its constitutional order or violation of its territorial integrity?* -

the experts came to a positive response to it by the following reasoning:

*“The establishment of the political system, called “Islamic” by the ideologists of “Hizb ut-Tahrir”, implies the introduction of the theocratic regime and the establishment of de facto discrimination against citizens based on religious principles (and even the prosecution of such categories of citizens as “apostates”, i.e. those who ceased to profess religion of Islam, and atheists”). As shown above, such a radical transformation is impossible without the use of violence.*

<sup>39</sup> Criminal case № 1998, Samara, 2005.

<sup>40</sup> Criminal case № 606008, Kazan, 2007.

<sup>41</sup> Criminal case № 606008, Kazan, 2007.

<sup>42</sup> Findings of the specialists of Bureau of independent expertise “Version”, 2009.

<sup>43</sup> J. Goodwin. Research in psychology: methods and planning. 3rd ed. - B.: Piter, 2004.; Kornilova T.V. Introduction to the psychological experiment. Textbook. - 2 ed. - Moscow: MGU; Published by CheRo, 2001.



Meanwhile, the “above” – in the previous text of the study – the experts quite clearly showed that the organization really did allow violence and even insisted on applying it in an already existing Islamic state in order to facilitate its further spread, but not earlier. However, the study does not contain any analysis of the issue, directly related to political science: if the occurrence of such a state structure is possible in the current geopolitical situation of the modern world, and even more so – in Russia, and even more so – by the 12 accused who had no weapons or mass support. That, however, is understandable, since otherwise the experts would have had to agree that this is a case of some Muslim version of the utopian theory of Signor Tommaso Campanella<sup>44</sup>.

This section should also address to the issue of the possibility and availability of independent expert examinations, which could compete in the courts with the above examinations. The law allows the defense to involve specialist in the case and to request the court for the admission of their findings. However, first, such requests are extremely rarely granted<sup>45</sup>. But secondly, the expert community, with rare exceptions, chose not to intervene in cases involving allegations of terrorism – particularly after the issuance in 2006 of a warning to “Memorial” on the inadmissibility of violation of the law “On Countering Extremist Activity” for the publication on its web-site an opinion of Mufti N. Ashirov, who found no extremist contend in four pamphlets of a banned organization.

### **3. A special aspect: the situation of Muslim refugees**

Another manifestation of the described above policies against Muslims, whose views (real or attributed to them) the Russian authorities consider undesirable, expresses itself in a desire by any means to execute requests for extradition of persons prosecuted in the countries of the “Shanghai Six” for their religious beliefs<sup>46</sup>. The agreements signed in the SCO framework created a quasi-legal base for such extraditions<sup>47</sup>. In particular, the members of this coalition of States committed themselves not to grant asylum to persons accused or suspected of committing terrorist, separatist and extremist activities, and to render them if requested by the other SCO member State<sup>48</sup>, as well as assist in the conduct of an international detection of those who only supposedly committed the acts referred to in the Shanghai Convention<sup>49</sup>.

As a result of such cooperation persons fleeing from religious repression in the Central Asian States, not only do not receive refugee status in Russia – they literally become the object of hunting for special services. The latter use any available, including illegal, methods to achieve the

---

<sup>44</sup> It is possible, however, that the authors of the examination (as, indeed, the structure of the task of its conduct) found it appropriate to “play safe”, when found the following sentiment in the literature of the banned organization (p. 12 examination): *“The Islamic state, according to the author, should originate in one or several countries, and then absorb the neighboring countries – Arab and non-Arab, and then carry Islam to the rest of the world. This phasing reminds of Lenin's idea of a “weak link” in the global chain of imperialism, according to which the socialist revolution must win in one or several countries, and then worldwide”*. It is possible that exactly this parallel is one of the most powerful engines of repressive roller, which for more than 6 years has been ironing down the varied terrain of views and beliefs of Russian Muslims. It is interesting that those in power in Russia throughout this period are the forces, that are openly nostalgic for the Soviet Union, which aimed to achieve the above Lenin's ideas.

<sup>45</sup> For example, the court rejected the admission of the said opinion of specialists from the Bureau of independent expertise “Version” in which the psychological examinations, conducted as part of the preliminary investigation, were criticized.

<sup>46</sup> See [http://www.hro.org/files/SCO\\_ENG.doc](http://www.hro.org/files/SCO_ENG.doc) (<http://www.hro.org/node/2933>) and <http://www.ferghana.ru/article.php?id=6091>

<sup>47</sup> Quasi-legal - because its principles and mechanisms in many respects contravene the international norms of human rights.

<sup>48</sup> Declaration of the Heads of States - members of the Shanghai Cooperation Organization (Section III), Astana, 05.07.2005 <http://www.sectSCO.org/RU/show.asp?id=98> and the Concept of collaboration of the SCO member States in combating terrorism, separatism and extremism (Section I), Astana, 05.07.2005 [http://www.kremlin.ru/interdocs/2005/07/05/1307\\_type72067\\_90911.shtml?type=72067](http://www.kremlin.ru/interdocs/2005/07/05/1307_type72067_90911.shtml?type=72067)

<sup>49</sup> Agreement between the Member States of Shanghai Cooperation Organization on the Regional Anti-Terrorist Structure (Article 6, part 8), Saint-Petersburg, 07.06.2002 ([http://www.ecrats.com/ru/normative\\_documents/1557](http://www.ecrats.com/ru/normative_documents/1557))

objectives stated by the SCO agreement – the rendition of such persons to the country of origin for prosecution.

For this purpose they use:

- falsification of charges after the arrest of the sought person in Russia to bring them into conformity with the Russian criminal law;
- cancellation of Russian citizenship obtained by immigrants to eliminate obstacles to their extradition;
- illegal substitution of extradition proceedings involving the conduct of even though formal, but long enough extradition examination with a much more rapid and simple mechanism of administrative expulsion.
- abduction of persons on the territory of Russia, including by the staff of foreign intelligence services, and their subsequent illegal transportation to their homeland with the direct participation of special services of Russia.

Twice – in October 2006 and December 2007 – Russia violated the requirements of the European Court to suspend the expulsion of the applicants to Uzbekistan<sup>50</sup>.

#### **4. Assessment in terms of international law<sup>51</sup>**

As shown above, the chances of Russian Muslims, practicing forms of Islam persecuted in Russia, to enforce their rights under national law are extremely limited, if not negligible. In this respect, the repressed increasingly apply to the European Court of Human Rights complaining about violations of their rights guaranteed by the Convention on the Protection of Human Rights and Fundamental Freedoms. And although the Court's decisions in such cases are still pending, however, it is appropriate to briefly turn our attention to what are the guarantees provided by international law in areas relating to freedom of conscience.

Article 9 of the European Convention on Human Rights and Fundamental Freedoms is called “*Freedom of thought, conscience and religion*” and reads:

*1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.*

*2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or the protection of the rights and freedoms of others.*

To address the question of whether this Article is applicable in each case, and if so, whether the State's interference violates this guarantee, a well-established list of questions is being used:

- i. What is the scope of this guarantee?*
- ii. Whether there was an interference with a guaranteed right?*
- iii. Whether the interference pursues a legitimate aim?*
- iv. Whether the interference is legal?*
- v. Is the interference necessary in a democratic society?*

The Court's position regarding the first question in brief is to ensure that the internal component of religious belief (*forum internum*) is not subject to restrictions. As regards the external component (*forum externum*), which includes religious symbols, specific clothing, missionary work,

---

<sup>50</sup> In both cases, the Russian authorities attributed this to the lack of time to inform relevant officials. However, if the first time the interval between the notification sent to the Representative of Russia to the European Court and the departure of the aircraft, on which the applicant was sent, was about 5 hours, in the second case – it was more than a day.

<sup>51</sup> This section is composed on the basis of the book by R.V. Maranov “Practice of the European Court of Human Rights in cases concerning freedom of conscience”, Moscow, Slavic Centre for Law and Justice, 2009.

proselytizing, etc., they may be restricted under certain conditions – which is actually reflected in the rest of the questions. Among them, of greater interest in this case are the third and fifth questions because the answer to the second is obvious, and arguments about the fourth one are hardly possible – Russian legislation is constantly adjusted in such a way as to leave no doubt that the ongoing repression formally complies with it<sup>52</sup>.

The Court recognizes as legitimate the interests of public safety and public order, health or morals, as well as the rights and liberties of others. Hence, the objectives declared by the Russian authorities in carrying out the repressive campaign in review, at first glance, appear relevant to this criterion.

As regards the last question, it is necessary to evaluate the State's interference on three additional parameters to respond it:

- a) *Does it adequate for pressing public needs?*
- b) *Whether it is proportionate to the pursued legitimate aim?*
- c) *If it is justified with relevant and sufficient reasons?*

Here at last it becomes obvious that the establishment in the country of an entire category of political prisoners – Muslims who have been convicted solely for confession and dissemination of views (even if unacceptable from the viewpoint of the majority) – accompanied by degeneration of the legal system in general and the judiciary in particular<sup>53</sup>, can not possibly meet the pressing public needs, be proportionate to any legitimate aim and justified by relevant and sufficient reasons.

#### **IV. Conclusions**

The described above repressive policies of the Russian authorities, accompanied, moreover, with the intensive treatment of public opinion, have already led to a number of negative and potentially dangerous trends that can be observed today in the Russian society. The most obvious are:

- activity of special services in the development and implementation of mystifications and direct fabrication of the criminal cases leads to their (secret services) disqualification, and as a result – failure to prevent real terrorist acts. This is attested to by the recent blasting of the “Nevsky Express” and the terrorist attacks in the North Caucasus that became more frequent;
- • the rise of Islamophobia, because the permanent reminders of the threats – real or imagined – that allegedly pretty often come exactly from Muslims, switch in the minds and livelihoods of people the mechanisms of self-preservation aimed at isolating everything “foreign” to them, which is perceived as potentially hostile;
- a response to this becomes the aspiration of a significant part of the Muslim citizens to self-isolation: the establishment of special schools and preschools for children from Muslim families, specialized medical, sports and other agencies. After one of the most serious manifestations of anti-Muslim aggression in Moscow for some (fortunately short) time, the idea was even discussed of creating a compact settlement in one area of the city, where Muslims could feel safe;
- stratification within the Muslim community, because those who have not been affected by repression, are often ready by any means (including, unacceptable from an ethical point of view – delating, etc.) to prove their loyalty;
- increasing interest, and especially among Muslim youth, to the ideas, that are the object of persecution, which is very much contributed to by the perception of those repressed

---

<sup>52</sup> Here, in each case an evaluation of the compatibility of national legislation with the criteria of “quality of law” required by the Convention is necessary, but these issues go far beyond the scope of this review.

<sup>53</sup> See paras. 2 «b» – 2 «e» of this review.

as “martyrs” - that is, in fact, **the forced radicalization** of the most active part of the Muslim population.

Interestingly, the latter effect – spreading radical views because of stiffening of repression against their carriers – was noted by the International Crisis Group in a recent briefing, “Central Asia: the Islamists in prison”<sup>54</sup>. This confirms the obvious fact, that the unjustified and / or disproportionate use of force is not simply an ineffective tool to combat the spread of radical ideas, but on the contrary – just encourages it.

Repression creates a quite reasonable self-sentiment of a significant part of the Muslim population of Russia (and it is very large not only in numbers but also in its share in the overall population) as of people belonging to the “at-risk group” in terms of gross violations of their rights. Victims of this campaign, and their close ones encounter the inability to protect themselves with legal methods and reasonably consider these persecutions as a consequence of their Creed. This, to say the least, short-sighted policy of a “steam roller” can lead to very negative consequences of large-scale – as it is evident from the tragic events of 2005 in Kabardino-Balkaria.

It seems that it could be possible to solve the problem with a carefully considered and balanced transition from the policy of indiscriminate repression (moreover any cost) to the dialogue, even with the moderate fundamentalists - at least, those with whom and while it is still possible.

## V. **Postscript**

In March 2009 attached to the Ministry of Justice of the Russian Federation was established a Council of Experts for conducting state religious examination<sup>55</sup>. Its composition immediately caused a very negative reaction of both secular professionals, and clergy of a variety of confessions. According to the “Slavic Centre for Law and Justice”<sup>56</sup> with reference to the “Forum 18”: *“Appointment as members of the Council of the famous “anti-cultists” and the controversial scholar of Islam [meaning the Roman Silantyev - note E.R.], and the election of the famous “anti-cultists” Alexander Dvorkin for its head led to the fact that many members of religious organizations have begun to compare the Council with the “inquisition” <...> Appointment of the “anti-cultists” for the posts, allowing to investigate the activities of religious organizations, may become the strongest blow to religious freedom in the country over the past decade. For the first time since the collapse of the Soviet Union, such people have become members of the public organization engaged in religious affairs at the federal level”*.

Later (in September 2009) attached to the Ministry of Justice was created another Council – on studying religious materials with respect to identify signs of extremism in them<sup>57</sup> – conclusions of which are advisory in nature. In the case of a decision on the presence of signs of extremism in the materials, the Council’s conclusion will be sent to the prosecutor’s office. The presence of such a famous scientist as L. Syukiyaynen in it gives some reasons for optimism, but it is too early yet to say anything about the results of the work of this new body.

---

<sup>54</sup> <http://www.crisisgroup.org/en/regions/asia/central-asia/B097-central-asia-islamists-in-prison.aspx>

<sup>55</sup> <http://www.minjust.ru/ru/news/events/index.php?id4=87>

<sup>56</sup> <http://www.sclj.ru/news/detail.php?ID=2433>

<sup>57</sup> <http://www.minjust.ru/ru/news/events/index.php?id4=126>