



Comment: Muslim freedoms

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The demographic crisis among ethnic Russians, together with the rapid growth of the Muslim population in Russia, has apparently led some ethnic Russians to fear that their country is losing its traditional identity. Simultaneously, many Russians associate Islam with extremists who have carried out dozens of bombings and other attacks against civilians. On Russian State television Muslims are most often portrayed as either criminals or religious radicals waging a holy war against Christians, rather than as members of Russian society.

Sensing the xenophobic and Islamophobic mood, the Russian authorities seem often to be in conflict with Islam, instead of taking the long and difficult path of education and establishing proper relations between communities. Several Russian regions have introduced mandatory classes on Orthodox Christianity in all schools. A new law that bans foreigners, most of them Muslims, from working in retail stalls and markets has been adopted. A number of Islamic books have been banned, and the list of 'extremist' publications is constantly growing.

Believers outside of the State's official Muslim institutions are increasingly viewed with suspicion because of the radicalisation of Chechnya and other

republics. They are denounced as Wahhabis, followers of the puritanical sect from Saudi Arabia, a word that has become Russian shorthand for any Islamic militant. Under the pretext of fighting 'religious extremism' and 'Islamic terrorism', cases involving the violation of the rights of Russian Muslims have increased significantly in recent years.

A wide-ranging campaign of persecution of different groups of Muslims has been started in Russia in the name of fighting 'international terrorism'. The legal basis for this was laid by an unreasonably broad interpretation of the concept of 'extremism'. This was applied in the decision of the Supreme Court of the Russian Federation of 14 February 2003, by which, without any substantive reasoning or any chance of appeal for the parties involved, 15 Islamic organisations, including Hizb ut-Tahrir, were declared to be extremist and banned.

Since then, it has become unnecessary for the prosecution to prove the guilt of the accused by committing or preparing a terrorist act. The fact of participation in a banned organisation itself has become sufficient for a conviction. In most of the cases regarding participation in Hizb ut-Tahrir, the charges amounted to propaganda of the utopian ideas of the world Islamic Caliphate, studies, dissemination and possession of relevant literature, meetings, the conspiratorial

nature of which was defined by the 'code words': "let's have a cup of tea", and related activities.¹ However, these charges led to convictions of inducing others to engage in terrorist activities and of creating a criminal community, which entails a sentence of up to 15 years' imprisonment.

In other cases, charges were based on statements that were obtained as a result of threats and torture.² Human rights activists have collected information on the severe torture of suspects and people who had to become 'witnesses' as a result of such torture.

Courts considering these cases do not even try to examine if there has been an interference with the defendants' rights to freedom of expression or freedom of religion, or to assess whether there has been compliance with the requirement of a fair balance of private and public interests. The only issue the courts do investigate during the trials is whether the accused are members of a banned organisation.

As a result, Muslims *de facto* do not have a right to protection of their interests as it is possible that they might be connected to terrorists. Any attempt to contest the lawfulness of this approach apparently may be considered as justifying terrorism.³ Even obeying Islamic rules regarding one's dress and way of life can become a reason for suspicion. Human rights activists are

aware of cases where copies of the Koran were seized as material evidence.⁴

Another way of 'fighting Islamic extremism' consists of the unlawful extradition and deportation of Central Asian migrants who are being persecuted in their countries of origin for religious crimes.⁵ In some cases people are being deprived of their Russian citizenship or even kidnapped to fulfil an agreement with the 'friendly' country.

Cases of this sort can only be considered as persecution for political and religious views. Muslims are also

offended by widespread discrimination and a lack of respect for their faith. The danger of growing anti-Islamic sentiment is that it threatens to push Russian Muslims further outside the mainstream and into the arms of radicals.

On the morning of 13 October 2005, scores of men took up arms in Nalchik - driven mostly, relatives of some said, by harassment against men with beards and women with headscarves and by the closing of six mosques in the city. Many among those killed in Nalchik were not hardened fighters, but local residents act-

ing out of what appeared to be desperation. Many were not yet armed, according to officials, but were hoping to seize weapons from police stations.

Those 59 who were accused of the attack are being tortured severely, according to their advocates, as the investigation has failed to collect any sufficient evidential basis and only concentrated on detaining people who have previously been noticed as devoted Muslims. A tragedy, like that in Nalchik, is unfortunately the inevitable result of a policy of disintegration and discrimination.

1 See application *Rafikov v Russia* (No. 22519/07). For background information on the case see: <http://www.hchr.org.mx/documentos/informes/6.pdf> pgs. 145-147.

2 See application *Gaytanov v Russia* (No. 17118/06). For background information on the case see: http://www.forum18.org/Archive.php?article_id=761.

3 See application *Ashirov v Russia* (No. 25246/07). For background information on the case see: <http://www.memo.ru/2006/12/18/eng1.htm>.

4 Memorial Human Rights Centre & Civic Assistance Committee. 15 April 2007. *Fabrication of "Islamic extremism" criminal cases in Russia: campaign continues*. [Online] Available at: <http://www.memo.ru/2008/09/04/0409082.htm>.

<http://www.memo.ru/2008/09/04/0409082.htm>.

5 See application *Muminov v Russia* (No. 42502/06). For background information on the case see: <http://www.publications.parliament.uk/pa/cm/200708/cmselect/cmfall/5151we09.htm>.