



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

Application no. 28621/11
YEDINOE DUKHOVNOYE UPRAVLENIYE MUSULMAN
KRASNOYARSKOGO KRAYA
against Russia
lodged on 4 April 2011

STATEMENT OF FACTS

The applicant is a centralised religious organisation “United Spiritual Administration of Muslims of the Krasnoyarsk Region” (the Krasondar Muftiate), established and registered in the Krasnoyarsk Region of Russia in 2002. It is represented before the Court by its Mufti, Mr Gayaz Talgatovich Fatkullin, and Mr S. Sychev, a lawyer practising in Moscow.

A. The circumstances of the case

The facts of the case, as submitted by the applicant, may be summarised as follows.

In May 2008, the applicant organisation, with the approval of the Muftiate of the European Region of Russia, commissioned the Klass publishing house to print the book “The Tenth Word: The Resurrection and the Hereafter” (Russian title: «Десятое Слово о воскресении из мертвых», Turkish title: “Onuncu Söz. Haşir Risalesi”) from the *Risale-I Nur* collection, a body of commentary on the Qur’an written by a Muslim Turkish scholar Said Nursi.¹

The prosecutor of the Krasnoyarsk Region applied to a court for the protection of the interests of the Russian Federation, asking that the book be declared extremist material and all printed copies be confiscated. He relied on the previous decisions by Russian courts which declared other works from the *Risale-I Nur* collection extremist² and on the findings of a group of experts from the Astafyev Krasnoyarsk State Pedagogical University,

1. An English translation of the book is available on the web-site of the Durham University (UK): https://www.dur.ac.uk/resources/sgia/imeis/04_resurrection.pdf (Last visited on 25 October 2013).

2. See applications no. 1413/08 *Ibragimov and Cultural Educational Fund “Nuru-Badi” v. Russia* and no. 30112/08 *Valiullin and The Association of Mosques of Russia v. Russia*.

according to whom the book justified extremist activities and fostered hostility and hatred for non-believers.

In the judicial proceedings, the applicant organisation was represented by the advocate Mr Kolobayev, Mr Dedkov and Mr Merazhov. Representatives of the publishing house did not take part in the hearings.

On 21 September 2010 the Zheleznodorozhniy District Court of Krasnoyarsk rendered judgment, by which it granted the prosecutor's application for declaring the book extremist and destroying the printed copies. In so finding, the District Court fully endorsed the findings of the experts from the Astafyev Krasnoyarsk State Pedagogical University and rejected the alternative expert opinion prepared by the specialists from the Lomonosov Moscow State University at the court's own request in response to the applicant organisation's petition to that effect. Those specialists found "no unambiguous indications" of extremism in the book; according to them, it was "a popular restatement of the Qu'ran" aiming to "introduce the reader to the author's point of view" and its text was chiefly devoted to "praising and glorifying God and his wisdom which corresponded to any other monotheistic religious tradition".

The District Court held that the Moscow State University experts did not define the terms "a reader who is emotionally involved in religion", "a normal attitude to the text", "a potentially inadequate approach to the text on part of emotionally unstable or suggestible readers", that the phrase "no unambiguous indications" could not exclude the presence of such indications, and that the comparison of the book with other monotheistic religions was misconceived because the court did not ask for a comparative study. Finally, the District Court noted the absence of a specialist linguist or philologist in the panel of experts which, in its view, undermined the comprehensive nature of the study. On those grounds, the District Court declared the study to be "unreliable" (недостовѣрное).

Mr Kolobayev on behalf of the applicant organisation requested the District Court to secure the attendance and in-court examination of the Moscow State University experts. The District Court rejected his request as being "formal, unjustified" and an attempt "to prevent the court from examining the case and deciding on the matter".

The District Court also rejected his request for examining additional material about Said Nursi's life and teaching or for reading the text of the book. On the latter issue, the court held that the text of the book was sufficiently quoted in the opinion of the Krasnoyarsk State Pedagogical University experts.

On 29 November 2010 the Krasnoyarsk Regional Court rejected the applicant organisation's appeal, endorsing the reasoning of the District Court in a summary fashion.

B. Relevant domestic law

The Suppression of Extremism Act (Federal Law no. 114-FZ of 25 July 2002 in force at the material time) defines extremist activities as activities of non-profit, religious or other organisations, the media or individuals consisting in planning, directing, preparing or committing acts aimed at, in particular, encouraging racial, ethnic, religious or social hatred accompanied

by violence or calls for violence; or propaganda of exceptionality, superiority or inferiority of citizens on the ground of their religion, social position, race, ethnic origin or language (section 1).

It is prohibited to publish and distribute materials declared extremist by a court or store such materials with the intention of distributing. Publication, storage or distribution of extremist materials is punishable under Russian law (section 13).

COMPLAINTS

The applicant organisation complains under Articles 9 and 10 of the Convention about the banning of the religious text.

QUESTIONS TO THE PARTIES

1. The parties are requested to submit copies of the expert reports by the experts from the Astafyev Krasnoyarsk State Pedagogical University and by the specialists from the Lomonosov Moscow State University. They are also requested to submit a translation in English, by a certified translator with expertise in translation of religious texts, reviewed by an English native speaker, of the above expert reports.
2. Did the ban on the Said Nursi book interfere with the applicant organisation's rights under Article 9 of the Convention? Was the interference prescribed by law? Was it "necessary in a democratic society" within the meaning of Article 9 § 2 of the Convention?
3. Did the ban on the above-mentioned book interfere with the applicant organisation's freedom of expression guaranteed by Article 10 of the Convention? Was the interference prescribed by law? Was it "necessary in a democratic society" within the meaning of Article 10 § 2 of the Convention?