



## Islamic book ban in Russia breached freedom of expression

In today's **Chamber judgment**<sup>1</sup> in the case of [Ibragim Ibragimov and Others v. Russia](#) (application nos. 1413/08 and 28621/11) the European Court of Human Rights held, unanimously, that there had been:

**a violation of Article 10 (freedom of expression)** of the European Convention on Human Rights.

The case concerned anti-extremism legislation in Russia and a ban on publishing and distributing Islamic books. The three applicants in the case, a Russian national, a publisher and a religious association, complained that the Russian courts had ruled in 2007 and 2010 that books by Said Nursi, a well-known Turkish Muslim theologian and commentator of the Qur'an, were extremist and banned their publication and distribution. The applicants had either published some of Nursi's books or had commissioned them for publication.

The Court found in particular that the Russian courts had not justified why the ban had been necessary. They had merely endorsed the overall findings of an expert report carried out by linguists and psychologists, without making their own analysis or, most notably, setting the books or certain of their expressions considered problematic in context. Furthermore, they had summarily rejected all the applicants' evidence explaining that Nursi's books belonged to moderate, mainstream Islam.

Overall, the courts' analysis in the applicants' cases had not shown how Nursi's books, already in publication for seven years before being banned, had ever caused, or risked causing, interreligious tensions, let alone violence, in Russia or, indeed, in any of the other countries where they were widely available.

### Principal facts

The applicants are Salekh Ogly Ibragimov, a Russian national; the Cultural Educational Fund "Nuru Badi", a publisher based in Moscow; and, the United Religious Board of Muslims of the Krasnoyarsk Region, a religious association. Mr Ibragimov is the chief executive officer of the second applicant.

The case involved two sets of civil proceedings brought by the prosecuting authorities regarding books written by Said Nursi.

The first set of proceedings was brought in 2006 asking that books from Nursi's *Risale-I Nur* collection, written in the first half of the 20th century, be declared extremist and banned. The second applicant is a publisher of this collection.

The second set of proceedings was brought in 2008, asking the courts to rule that one of Nursi's books from the *Risale-I Nur* collection, namely *The Tenth Word: The Resurrection and the Hereafter*, be declared extremist and to confiscate all printed copies. Just before this, the third applicant had commissioned a publisher to print this particular Nursi book.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

The applicant publisher and religious association were invited to participate in these proceedings as third parties, and submitted information explaining that Said Nursi's texts belonged to moderate, mainstream Islam.

In both resulting judgments, delivered in 2007 and 2010, the courts ruled however that the books at issue were extremist. They found in particular, under the Suppression of Extremism Act of 2002, that the books incited religious discord and constituted propaganda on the superiority of the Muslim faith. In coming to their decisions, the courts relied on expert reports ordered by the court or submitted by the prosecutor. The reports had been written by specialists in linguistics, philology, psychology and philosophy.

In the first set of proceedings the courts referred in particular to the overall findings in expert reports of February and May 2007, agreeing with the specialists that the books contained "humiliating depictions, an unfavourable assessment and a negative evaluation of persons on the basis of their attitude to religion". The courts rejected all evidence submitted by Mr Ibragimov and the applicant publisher, including the opinions of Muslim authorities and Islamic scholars, because they were neither linguists nor psychologists and were not therefore competent to establish the meaning of the texts.

Similarly, in the second set of proceedings the courts generally endorsed a specialists' report of December 2008 finding that the book at issue was extremist and used military metaphors to instil in the reader's mind the idea of an enemy and potential military action. They also quoted several expressions in the book describing Muslims as "the faithful" and "the just", while everyone else was "the dissolute", "the philosophers", "the idle talkers" and "little men", and proclaiming that not being a Muslim was an "infinitely big crime".

The applicants' appeals were all subsequently rejected.

## Complaints, procedure and composition of the Court

Relying on Article 9 (freedom of religion) and Article 10 (freedom of expression), the applicants complained in particular about the ban on the distribution of Islamic books they had published or commissioned for publication, because they were extremist.

The applications were lodged with the European Court of Human Rights on 3 December 2007 and 4 April 2011, respectively.

Judgment was given by a Chamber of seven judges, composed as follows:

Helena **Jäderblom** (Sweden), *President*,  
Dmitry **Dedov** (Russia),  
Pere **Pastor Vilanova** (Andorra),  
Alena **Poláčková** (Slovakia),  
Georgios A. **Serghides** (Cyprus),  
Jolien **Schukking** (the Netherlands),  
María **Elósegui** (Spain),

and also Stephen **Phillips**, *Section Registrar*.

## Decision of the Court

First, the Court noted that the courts' decisions on the books which the applicants had published or commissioned for publication, finding them "extremist" and banning them from publication and distribution, had amounted to "interference by a public authority" with their right to freedom of expression, interpreted in the light of their right to freedom of religion. That interference had had a

basis in national law, namely the Suppression of Extremism Act, and had aimed at preventing disorder and protecting territorial integrity, public safety and the rights of others.

However, it found that, overall, the Russian courts had failed to justify why it had been necessary to ban the books, which had first been published in Russia in 2000, that is seven years before being banned, without them ever having caused interreligious tensions, let alone violence. They had also been translated into about 50 languages, and were widely available in many countries without problem.

It went on to examine the domestic court decisions in both sets of proceedings, and found that they had a number of shortcomings.

In the first set of proceedings concerning the *Risale-I Nur* collection, the courts had merely endorsed the experts' conclusions, without making their own assessment. They had not specified which passages of the books had been problematic, and had only referred to the overall findings of the experts' report. Moreover, the report had gone far beyond language or psychology issues and had provided, in essence, a legal classification of the texts. The Court stressed that all legal matters should be resolved exclusively by the courts.

Nor did the courts discuss the necessity of banning the books, bearing in mind the context in which they had been published, their nature and wording and their potential to lead to harmful consequences.

Moreover, the applicants had been unable to contest the expert reports. The courts had summarily rejected all evidence they had submitted, including the opinions of Muslim authorities and Islamic scholars who had explained the historical context in which the books had been written and the fact that they belonged to moderate rather than radical Islam, their importance for the Russian Muslim community and their general message of tolerance, interreligious cooperation and opposition to violence. Indeed, this material had simply been disregarded because the authors had not been linguists or psychologists.

While the proceedings concerning the book *The Tenth Word: The Resurrection and the Hereafter*, also from the *Risale-I Nur* collection, had essentially the same shortcomings, the Court noted that the courts had nonetheless quoted several expressions which they considered problematic because they had promoted the idea that it was better to be a Muslim than a non-Muslim and had used military metaphors.

However, the courts had not assessed those expressions in context. They had failed to take into account that it was common in religious texts for a religion to claim that it was superior to other religions. Importantly, the texts in question had not been abusive towards non-Muslims, and had neither insulted nor slandered them. Besides, it was not reasonable for religious groups to expect that they would never be criticised.

Nor had the use of military metaphors been set in context. In fact, the courts had simply endorsed the specialists' findings, without even quoting any examples. The use of such metaphors was therefore not enough to consider that the texts had amounted to hate speech or calls to violence.

Similarly, the mere fact that the author's intention had been to convince readers to adopt his religious beliefs was insufficient to justify banning the book.

The Court therefore concluded that it had not been necessary, in a democratic society, to ban the books in question, in violation of Article 10.

#### [Just satisfaction \(Article 41\)](#)

The Court held that Russia was to pay Mr Ibragimov 7,500 euros (EUR) in respect of non-pecuniary damage.

*The judgment is available only in English.*

---

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on [www.echr.coe.int](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHRpress](https://twitter.com/ECHRpress).

**Press contacts**

[echrpress@echr.coe.int](mailto:echrpress@echr.coe.int) | tel.: +33 3 90 21 42 08

**Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)**

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Patrick Lannin (tel: + 33 3 90 21 44 18)

Somi Nikol (tel: + 33 3 90 21 64 25)

**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.