

Shestopalets D. V.

ORCID: 0000-000 2-3365-3329

Ph.D., Junior Research Fellow Research Fellow

A. Yu. Krymskyi Institute of Oriental Studies

of the National Academy of Sciences of Ukraine,

Kyiv, Ukraine

POLITICAL ISLAM AND THE STATE IN UKRAINE: THE PARADOX OF HIZB UT-TAHRIR AL-ISLAMI

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In the past three decades, Hizb ut-Tahrir al-Islami (HTI) has often been regarded by analysts and scholars as one of the most controversial groups on the Islamism spectrum. Indeed, HTI's core ideological aim of building a sharia-based Islamic state (*khilafa*) – a global entity which is expected to unite all Muslims of the world and to rearrange the current geopolitical status quo – closely corresponds to the agendas of the most notorious terrorist organizations, such as al-Qaeda or ISIS. At the same time, its ideologues and official representatives have been strongly outspoken in what concerns the party's unwavering commitment to nonviolence and peaceful propaganda on the path to establishing the desired caliphate – a principle often designated by them as an obligatory prescription of Islam and a means of emulating the sacred example of Prophet Muhammad.

In light of this manifest ambivalence of its goals and methods, dealing with HTI became a challenging task for state authorities and law enforcement agencies in many regions where the movement managed to establish a foothold since its inception in 1952/1953. For one thing, the organization remains proscribed in many Middle Eastern countries due to its apparent anti-constitutional agenda (i.e. aiming to take down the current political regimes) and a prior history of involvement in, albeit minor and inconsequential, *coup d'état* attempts in Jordan, Egypt and Iraq in the 1960s and 1970s. In other countries, such as Indonesia, HTI was allowed a significant period of legal operation before the government decided to ban it on various grounds related to national security interests. In the most pronounced cases of its securitization in Uzbekistan and Russia, the group is designated as terrorist, while its members are subjected to criminal prosecution and given exceptionally long prison sentences, even in cases where no violent activity was involved.

At the other side of the policy spectrum, despite its radical ideology and explicitly anti-Western sentiments, HTI has continued to operate legally and

expand its networks in European and North American countries. In particular, since the early 1990s, it has enjoyed a strong presence in Great Britain, making London the primary center for its global media activity. Although a number of public controversies and sharply provocative statements by its representatives put the organization on the brink of proscription in the aftermath of the 7/7 London bombings in 2005, successive British governments refrained from this drastic move, providing HTI's leadership an opportunity for moderating their public discourses and action strategies. Likewise, a significant scandal that resulted from a criminal case against HTI's spokesperson in Denmark in 2002–2003 on charges of anti-Semitism did not result in a ban for the group as a whole. The two reports prepared by the country's Prosecutor General concluded that, despite some isolated incidents, no sufficient evidence existed to make a solid case for proscribing HTI as a dangerous entity. In stark contrast to this, though, Germany decisively banned HTI in January 2003 on the grounds of the group's anti-Israeli standpoint and inciting ethnic hatred.

Thus, even a brief overview demonstrates that, in contrast to the clear-cut cases of explicitly violent groups with distinct terrorist orientations, «vocal» Islamist cohorts that ostensibly eschew armed struggle but promote similarly radical ideas may evoke a variety of responses from state authorities. Moreover, these responses correlate not with the nature of the movement in question per se but rather with an array of external socio-political factors, such as the type of religion-state relationship in a given polity and security paradigms adopted by a particular political regime. As this presentation demonstrates, this basic presupposition also found its clear manifestation in the Ukrainian case of the HTI policy conundrum, both in the pre-2014 period and after the annexation of Crimea.

According to its own reports, HTI started creating its network in Ukraine in the mid-1990s, turning public only in 2003–2004 due to a number of acute conflicts with the two key representative bodies of Crimean Tatars, the Mejlis and the Spiritual Administration of Muslims of Crimea. As a result of these scandals, HTI representatives started giving interviews and held a number of press conferences for the media, as well as appearing on local TV channels in talk shows devoted to the threat of Islamic extremism for Crimean society. Expanding its public presence in the late 2000s and the early 2010s, HTI also began to organize large conferences and street action, such as rallies and protests on various political occasions. For want of a more notorious Islamist group, all these activities turned HTI into a constant object of attention on the part of various news outlets, competing religious centers and political actors. However, as this analysis shows, in the period prior to 2014 the local government and law enforcement agencies did not manage to come up with a consistent policy of dealing with the spread of the movement among Crimean Muslims. On the one hand, in many cases the secret services of Ukraine

«SBU», the police and the Committee for Religious Affairs in Crimea swiftly reacted to HTI's activities and made efforts to limit their impact by various, often subtle or subversive, means. On the other hand, though, a number of legislative initiatives aiming to proscribe HTI as a dangerous extremist organization (emulating Russia's approach to dealing with the group) either stayed as declarations of intentions or did not gain sufficient support from the central state in Kyiv. In other words, although HTI's public activities as a «political party» were repeatedly declared by the Crimean authorities as violating the country's legislation, no consistent policy was adopted with the view to banning the movement. Instead, throughout the 2000s the Committee for Religious Affairs in Crimea repeatedly acknowledged its helplessness in denying official registration to religious communities affiliated with HTI or any other alleged radical group.

The events of 2014 and the annexation of Crimea dramatically changed the local political landscape, completely disrupting the strong dynamics of HTI's development in the region. Given Russia's consistent criminal prosecution of HTI, thousands of hizbis had to flee the peninsula and relocate to mainland Ukraine, especially to its Western regions. Subsequently, in late 2014 – early 2015 the Russian authorities launched a campaign which involved arrests and court trial of dozens of alleged HTI members on charges of creating or belonging to a terrorist organization. One distinct effect of these groundbreaking transformations in Ukraine's public space was a perceptible change in framing HTI in the country's media. In contrast to acute debates which accompanied HTI's previous public emergence in the mid-2000s and several critical journalistic reports about the group as an essential part of the general Islamist threat, in the post-2014 period the local spokesperson for the group, Fazyl Amzaev, was regularly invited by various national media resources to comment on the arrests in Crimea, as well as to present his organization's ideology in a solely positive light and without facing any challenging questions related to HTI's long term caliphate agenda.

The sympathetic treatment of HTI by the Ukrainian media can be directly attributed to the fact that the criminal cases against alleged hizbis were framed by Ukraine's state authorities merely as a thinly veiled political persecution of Crimean Tatars as the most significant pro-Ukrainian ethnic group in Crimea. In this respect, any previous discussions of the potential danger of HTI as a semi-clandestine Islamist movement with a highly radical ideology from the pre-2014 period were omitted in order to foreground the issues of human rights violations by the local Russian authorities. In light of this framing, it is highly noteworthy, though, that in terms of its concrete policies the Ukrainian state remained ambivalent vis-à-vis the movement. For example, this ambivalence vividly manifested itself in the treatment of asylum seekers from Russia or Central Asian countries who applied for a political or religious refugee

status on the grounds of HTI membership. A tentative analysis of court documents demonstrates that the State Migration Service of Ukraine consistently denied refugee status to HTI members and their families. Besides providing various formal reasons for issuing a rejection, the Service also routinely used the framing of HTI as a dangerous violent group, citing its proscription as a terrorist organization in Russia and Uzbekistan. Hence, evaluating such refugee applications, the State Migration Service's officials argued that by getting involved with HTI, individuals knowingly violated the legislation of their home countries and thus, according to the international agreements, could not be considered as eligible for the status of a refugee persecuted on the grounds of freedom of religion.

This approach prompted HTI in Ukraine to organize a number of press conferences for the media in the post-2014 period and openly criticize Ukraine's authorities for discriminatory attitudes or their deliberate unwillingness to support HTI members fleeing from persecution in Russia. Moreover, the decision of the State Migration Service were routinely challenged in courts which in the overwhelming majority of cases took the side of the potential refugees, confirming HTI's nature as a persecuted nonviolent group and obligating the Service to provide an asylum status to HTI members.

In conclusion, just like in many other countries, HTI presented a policy conundrum for the Ukrainian state. On the one hand, it is clear that the authorities in Ukraine realized the dangers of this Islamist movement's proliferation for the long term stability in the local Muslim communities. On the other hand, the country's liberal legislation on religion and a glaring lack of coordination between the government bodies, courts and law enforcement agencies precluded the formulation of a centralized policy which would pave the way to HTI's proscription in the pre-2014 period. In the aftermath of the annexation of Crimea, HTI members became consistently framed by Ukrainian spokespersons as victims of political persecution against Crimean Tatars and not an actual security threat. However, the cases of Russian HTI asylum seekers – and especially stark contradictions in the decisions of the State Migration Service and the courts – demonstrate that the Ukrainian state remained ambiguous in its general understanding and concrete approaches to dealing with the organization.