

# THE MITCHELL REPORT

## RUSSIA: INCREASING CRACKDOWN ON RELIGIONS

February 17, 2012

### Introduction

According to an August 2011 report produced by the Pew Forum on Religion & Public Life, "Rising Restrictions on Religion," Russia was one of only ten countries in the world that had a substantial increase in social hostilities involving religion from mid-2006 to mid-2009.<sup>1</sup>

#### Countries with Substantial Increases in Social Hostilities Involving Religion

*Ranked by prior  
social hostilities level*

HIGH
Nigeria*
Russia
MODERATE
Thailand*
Bulgaria*
United Kingdom*
Mongolia
Denmark*
Vietnam*
LOW
China*
Sweden*

Table shows the countries where there was a substantial increase in social hostilities over the three-year period from mid-2006 to mid-2009.

\* Moved into next-highest category for period ending in mid-2009.

Rising government restrictions on religion have contributed to the substantial increase in social hostilities.

The gravest threat to religious freedom in Russia continues to be the federal government's escalating use of the 2002 Extremism Law to censor religious scriptures and disrupt religious organizations. In fact, it would be more accurate to call it the increasing "misuse" of the Extremism Law.

The law was justified by the need to combat terrorism after 9/11, but the federal government has allowed it to be increasingly used to target minority faiths under the pretext of "religious extremism." And this has been problematic.

Forum 18 News Service reported that Russia's Ombudsman for Human Rights, Vladimir Lukin, warned, "It is very important that we do not allow interference in the convictions and beliefs of millions of citizens on the poorly grounded, unproven pretext of fighting against extremism, as this really could provoke wide-scale violations of their right to freedom of belief."<sup>2</sup>

Sure enough, the misuse of the Extremism Law has resulted in egregious violations of the right to freedom of belief and religion. These violations are becoming more wide-scale, and they come against an established pattern of government obstruction of religious minority communities, using provisions of the 1997 Religion Law and the 2006 NGO Law.

<sup>1</sup> <http://pewforum.org/Government/Rising-Restrictions-on-Religion%28%29.aspx>

<sup>2</sup> <http://www.forum18.org/>

The situation is getting worse. From the 2011 U.S. Commission on International Religious Freedom (USCIRF) report:<sup>3</sup>

- In the past year, the government increased its use of anti-extremism legislation against religious groups and individuals not known to use or advocate violence.
- National and local government officials regularly apply other laws to harass Muslims and religious groups they view as non-traditional.
- Russian officials continue to deem certain religious and other groups alien to Russian culture and society, thereby contributing to a climate of intolerance.
- The reporting period witnessed an increased use in extremism-related accusations.
- Several minority religious groups continued to experience denials of registration, and delays and refusals to permit construction of or grant permits to rent places of worship, with their members often harassed and detained.
- Numerous violent hate crimes continued to occur against members of various religious communities, with chauvinistic groups targeting individuals, groups, and judges and other government officials who defend minority rights.
- Based on these concerns, USCIRF again placed Russia on its Watch List in 2011. The Commission has reported on Russia every year since 1999, and placed Russia on the Watch List for the first time in 2009.

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<sup>3</sup> <http://www.uscifr.gov/images/book%20with%20cover%20for%20web.pdf>

## The First Misuses of the Extremism Law

The turning point in this drive against “religious extremism” came in 2007, when two previously unsuccessful attempts to ban Islamic literature were finally successful. The Federal List of Extremist Materials was started, and while the Justice Ministry compiles the list, local authorities can instigate these cases, any low-level court can rule a religious work “extremist,” and the work is then automatically added to the list and banned throughout the Russian Federation if the decision becomes final.

The Federal List of Extremist Materials expands every few months. Since the list started in 2007, it grew to 255 items by the end of August 2008, to 573 items by March 2010, to 1,073 items by January 2012.<sup>4</sup>

Once religious works are on the Federal List of Extremist Materials, the government opens investigations, raids homes and churches, seizes the works, prosecutes and convicts individuals of the faith in question, and even liquidates or dissolves their organizations.

The first major religious targets were Muslims and Jehovah’s Witnesses. From Forum 18 reports:<sup>5</sup>

- In 2007, a Russian court banned as extremist the Russian translations of *Messages of Light*, Turkish theologian Said Nursi’s commentaries on the Koran and Islam. Russia’s Human Rights Ombudsman has denounced the ban on Nursi’s writings.
- In February 2008 the Government added to the list of banned books the

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<sup>4</sup> <http://www.minjust.ru/nko/fedspisok/>

<sup>5</sup> <http://www.forum18.org/>

widely read *The Personality of a Muslim*, a moderate and pacifist work by Muhammad Ali al-Hashimi. The Chairman of the Council of Muftis condemned the ban as a violation of the freedom of religious belief.

- Formal criminal charges have been brought against four readers of the works of the late Turkish Muslim theologian Said Nursi. Roman Gavrusik's account describes how, after 11 pm on February 16, a masked and armed group burst into a Krasnoyarsk flat where he and other Nursi readers were meeting.
- In December 2009, Russia's Supreme Court upheld a September 2009 ban on 34 Jehovah's Witness titles as extremist. The September 2009 Rostov-on-Don decision had also dissolved the local Jehovah's Witness organization in Taganrog.
- In late July 2010, police and local officials disrupted a Jehovah's Witness congress in southern Russia, using cars, dustcarts and power cuts to prevent it from going ahead, before sealing off the building on alleged security grounds. Other congresses elsewhere were disrupted or blocked.
- On August 18, 2010, Ilham Islamli became the first reader of the works of Said Nursi to be convicted under the Criminal Code and punished under extremism-related charges. After two months' pre-trial detention, Islamli was given a suspended sentence in Nizhny Novgorod for publishing Nursi's works in Russian on a website he ran.
- On August 26, 2010, it was reported that for the first time, extremism-related criminal cases have now also been opened against three named individual Jehovah's Witnesses. Launched after mass raids on his congregation, the

case against Jehovah's Witness elder Maksim Kalinin is said to have involved FSB security police surveillance using a secret video camera in his home, as well as their tapping of telephone calls made by seven other Jehovah's Witnesses. And an 85-year-old Russian veteran of the Second World War is the first Jehovah's Witness known to have been prosecuted for distributing "extremist" material.

- Also, issued in Altai Republic on August 11, criminal extremism charges have already been brought against local Jehovah's Witness leader Aleksandr Kalistratov.

From a Reuters December 16, 2010 article titled, "Russia uses extremism law to target dissenters".<sup>6</sup>

- When armed Russian security officers forced their way into Alexander Kalistratov's home, he hardly imagined they were after his books.
- The local leader of a congregation of Jehovah's Witnesses in Siberia now faces up to two years in prison if found guilty this week of inciting religious hatred for distributing literature about his beliefs.
- His trial is the first of a dozen pending against Jehovah's Witnesses and scores of others caught up in the widening net of criminal prosecutions brought under Russia's anti-extremism law.
- Rights activists say the vaguely worded legislation, first passed in 2002, is increasingly being exploited by the authorities to persecute religious minorities, intimidate the media and clamp down on opposition activists.

<sup>6</sup> <http://www.reuters.com/article/2010/12/16/us-russia-extremism-religion-idUSTRE6BF17U20101216>

- "This law is used by various officials for their own personal aims," said Alexander Verkhovsky, whose SOVA rights group monitors hate crimes, extremism and religious freedoms.
- "In practice, it's a universal tool. It can be used to target anybody ... political, religious or even completely apolitical groups such as labor union activists."

The Church of Scientology was the next major religious target. From Human Rights Without Frontiers:<sup>7</sup>

- On March 26, 2010, the Surgut City Court rendered a decision finding that 29 Scientology religious books, lectures and brochures should be labeled as "extremist" under the Extremism Law.
- This decision occurred after an *ex parte* hearing that did not include any party on behalf of Scientology. No Church of Scientology or Scientologists who were the intended recipients of the books and lectures were allowed to intervene as a party to attend the hearing. Indeed, they were not even given notice of the hearing. The American publisher of the materials that were seized, Bridge Publications, was also denied the right to intervene.
- On July 13, 2010, the Court of Appeals reversed and remanded this Surgut City Court's decision not to allow any Scientology parties to intervene in the Extremism case. Three parishioners who were the intended recipients of some of the seized materials and the Moscow Church were granted the right to intervene and be heard. Thus, the Surgut City Court decision finding that Scientology books and lectures should

be labeled as "extremist" is no longer final and is subject to challenge below. The appeal hearing by these parties was then set for October 12, 2010.

- Despite the Court of Appeals decision remanding the Scientology Extremism case to the Surgut City Court, within three hours of that July 13 decision the Ministry of Justice listed the seized Scientology materials on the Federal List of Extremist Materials. This rendered all Scientology centers open to prosecution.

On July 26, 2010, Russian media reported that prosecutors opened a criminal case against the Church of Scientology Moscow Management Center in Schelkovo. From The Moscow Times article, "Scientologists Charged With Extremism":<sup>8</sup>

Prosecutors have opened a criminal case against a Scientology center in the town of Schelkovo, 13 kilometers northeast of Moscow.

On August 4, 2010, the Church of Scientology Moscow Management Center was then raided by approximately 30 government officials from the Moscow City and the Moscow region, including 3 FSB investigators, 20 OMON special assault police forces dressed all in black, with black face masks and machine guns. From reports of human rights attorneys for the Church of Scientology:

- The raid lasted 13 hours - from 8 am until 9 pm - resulting in substantial destruction throughout the center.
- A few members of the Church were assaulted without any provocation during the raid; one was punched in the kidneys, one slapped in the face and

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<http://www.hrwf.org/Joom/images/forbnews/2010/russia%202010.pdf>

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<http://www.themoscowtimes.com/news/article/scientologists-charged-with-extremism/411017.html>

one was stamped on by a boot wearing OMON police officer, requiring his going to the hospital.

- The assault team broke into the dormitory in their masks brandishing machine guns and shouting “Get Up and Get Out!” Individuals in the dormitory rooms were dragged out of bed and pushed and shoved into the course rooms and the dining room. They were ordered not to take personal belongings. Officers then went through each room in the dormitory, stealing many personal items from the individuals forced to vacate the rooms. Church members witnessed police taking similar personal items from Church administrative offices.
- During the search, the approximately 100 staff members were detained in very hot rooms. Most were forced to sit in rooms without food from 8 am until 6 pm - 10 hours - while they were verbally abused by some of the police.
- Some staff members were interrogated and many questions concerned the essence and nature of Scientology beliefs and why they had converted to embrace Scientology beliefs and associate with the Church. These questions highlighted the very nature of the investigation and its underlying human rights deficiencies.
- The police and investigators justified the raid by stating that Scientology material is on the federal list of extremist materials; they seized copies of these materials which were the personal property of Church members.
- Subsequent to this raid, approximately 45 family members of Scientologists have been interrogated to date. These interrogations have focused on Scientology beliefs and the manifestation of those beliefs in

contravention of Article 18 of the International Covenant on Civil and Political Rights.

- Subsequent to this raid, the Prosecutor for the Schelkovo District in Moscow (where the management center is located) filed an application to label nine distinct sets of Scientology materials as “extremist” literature.

Meanwhile, the original decision finding Scientology religious materials to be “extremist” was formally reversed by the courts:

- On October 12, 2010, the Court of Appeals of the Khanty-Mansiysk Region reversed the March 2010 decision finding the 29 Scientology religious materials to be “extremist” under the Law. The Appeals Court ruled that the Surgut City Court committed reversible error by denying the right of interested Scientology parties to participate in the hearings below.
- On December 9, 2010, the remanded case was heard again in the Surgut City Court, with Scientology organizations and individuals as parties. The Court ruled in the Church’s favor by deciding that the Prosecutor’s original application regarding the materials at issue should not have been considered by the Court. The government appealed this decision, and this appeal was decided in the Church’s favor on February 1, 2011, with the lower court decision affirmed.
- In April 2011, the Surgut City Court issued an order to the Ministry of Justice to remove the Scientology related materials from the Federal List of Extremist Materials. These materials were then removed from the list.

## Increasing Misuse of the Extremism Law

The most recent news provides evidence that the situation is getting worse, and that Russian misuse of the Extremism Law is now extending to websites and new religious targets.

First, Jehovah's Witnesses and readers of the works of the late Turkish Muslim theologian Said Nursi face increasing criminal prosecutions and imprisonment on "extremism"-related charges. From an October 14, 2011, Forum 18 article on Russia, "New sentences, raids, criminal cases":<sup>9</sup>

- The criminal prosecution of religious believers on extremism-related charges appears to be increasing in Russia, Forum 18 News Service notes.
- Six readers of the works of the late Turkish Muslim theologian Said Nursi were convicted at a two-hour trial on 11 October in Nizhny Novgorod. One of them, Elshan Gasanov, received one year's imprisonment in an open-type prison, while two others were also imprisoned.
- That same evening in Novosibirsk, police and FSB security service officers raided several homes looking for copies of Nursi's books. Several people were detained and later released. Two, Ilham Merazhov and Kamil Odilov, now face criminal charges, the Dzerzhinsky Inter-District Investigation Committee told Forum 18 on 14 October.
- Meanwhile, Gorno-Altai District Court in Siberia has set 3 November for announcing the verdict in the long-

running criminal trial of Jehovah's Witness Aleksandr Kalistratov.

- As the number of extremism-related prosecutions continued to rise, in June 2011 Russia's Supreme Court made clear that cases under "extremism"-related Articles of the Criminal Code should be very carefully and narrowly framed. But this has not stopped cases against Muslim readers of Nursi's works and Jehovah's Witnesses.

From a November 3, 2011 New York Times article titled, "Russian Terror Law Has Unlikely Targets":<sup>10</sup>

- Over the last week, a well-known writer and a Jehovah's Witness in Siberia have become two more Russians to fall foul of a murky and much-criticized law purported to fight terrorism but being turned against a broad and seemingly random array of people.
- On Thursday, a court in the Gorno-Altai region of Siberia found Aleksandr Kalistratov, a Jehovah's Witness, guilty on charges of disseminating extremist materials. He was sentenced to 100 hours of community service. Mr. Kalistratov had earlier been found innocent, but a higher court ordered a retrial.
- Viktor Zhenkov, a defense lawyer for Mr. Kalistratov, said the law is so broad now "that any court can rule that any literature is extremist."
- Jehovah's Witnesses were repressed, imprisoned and exiled in Soviet times, and their leaders in Russia say that there are now nearly a dozen criminal cases against members on charges of extremism across Russia.

<sup>9</sup> [http://www.forum18.org/Archive.php?article\\_id=1625](http://www.forum18.org/Archive.php?article_id=1625)

<sup>10</sup> [http://www.nytimes.com/2011/11/04/world/europe/russian-terror-law-has-unlikely-targets.html?\\_r=1](http://www.nytimes.com/2011/11/04/world/europe/russian-terror-law-has-unlikely-targets.html?_r=1)

- Grigory Martynov, a spokesman for the Jehovah's Witnesses, said that homes of believers have been raided and there were fears in Revyakino, a village in the Irkutsk region, after the local mayor twice burst into gatherings of Jehovah's Witnesses, who were first exiled there in the Soviet era. Most recently, Mr. Martynov said, the mayor shot at the ceiling of the home of a Jehovah's Witness and held a gun to the head of the man's son.

This case against Aleksandr Kalistratov was won by Kalistratov on appeal, and on December 22, 2011, the Gorno-Altai Region Court cancelled the November decision in full.

Second, despite the reversal of the original decision finding Scientology religious materials to be "extremist," authorities in two separate regions are proceeding with new efforts to label Scientology materials as "extremist" literature, and authorities in Moscow executed another raid of a Church of Scientology. From the reports of human rights attorneys:

- On June 29, 2011, the Schelkovo City Court of the Moscow Region issued a decision finding these nine sets of materials to be "extremist."
- As evidenced by the record, *the ruling was rendered by the Court without even examining the religious materials ruled to be "extremist."* Instead, the Court relied on "expert opinions" furnished by the Public Prosecutor which are demonstrably false.
- The Prosecutor did not - and could not - provide any passage from the materials to support this claim. No single quote from the materials in support of this conclusion was given.
- The experts were biased and provided demonstrably false information as well

as prejudicial interpretations of religious terms that completely misconstrued these terms in order to support "extremist" conclusions. They did not even claim to review all the materials they assert were "extremist."

- Further, the Court did not provide the Church of Scientology Moscow Management Center the opportunity to provide explanations regarding the materials in response to the expertises and did not assign a forensic expertise as required.
- Subsequent to this June 29 decision, the Scientology Mother Church as copyright holder of the materials, the publishers, three individuals who owned materials at issue (they had been seized) and the head officer of the management center moved for the right to file appeals in the case. This was denied by the Schelkovo City Court in August 2011. Only the management center was provided the right to appeal the ruling on substantive grounds and its appeal is pending.
- On January 26, 2012, the Moscow Regional Court heard appeals from the interveners regarding their right to enter the case and ruled in their favor. The appeal is now scheduled to be heard on the merits on March 13, 2012.
- Meanwhile, on August 24, 2011, the City Court in Chelny in the Tatarstan region of Russia issued a decision finding 13 Scientology items to be "extremist" materials. These materials included 12 items that comprise Scientology Scriptures and religious course materials and one booklet describing judicial and administrative religious recognitions of the Church of Scientology. As in the original Surgut extremism case, described above, this case did not include the Church of Scientology, any Scientology-related entity or any Scientologist as a party.



When it was discovered that a ruling had been rendered, the Church of Scientology of Moscow immediately filed an appeal with the proper Appellate Court as the Church successfully did when it ultimately prevailed in the Surgut case.

- And on October 6, 2011, approximately 100 government agents, including SWAT teams (special assault police forces dressed all in black, with black face masks and machine guns), FSB agents, individuals from the Prosecutor's Office, interrogators and Moscow Police broke into the Moscow Church of Scientology.
- The raid included destructively breaking down doors with sledge hammers, crow bars and chain saws to force entry into each room without waiting to ask for keys to open each room which were readily available and offered. The assault team was accompanied by a TV Reporter and film crew so that the raid was featured on the evening news that night. See the clip on the raid from the Russian TV show detailing some of the damage at <http://www.youtube.com/watch?v=Ml1a8hYhXyk>.
- The Prosecutor's Office subsequently justified the raid to Church counsel by stating that it was conducted in furtherance of an "extremism" law investigation against a publisher of Scientology Scriptures, New Era Publications, which had been suspended until 4 October 2011, when the suspension order was lifted.

Third, prosecutors in the Siberian city of Tomsk are trying to have the Russian translation of the sacred Hindu text, Bhagavad-Gita (specifically the translation and commentary followed by Hare Krishna devotees, the Bhagavad-Gita As it Is), declared "extremist" and placed on the

Federal List of Extremist Materials. From an October 10, 2011, Forum 18 article on Russia, "How can a believer light a match to destroy holy books?".<sup>11</sup>

- Prosecutors in Tomsk are seeking through the courts to have the Russian translation of the most important work for Hare Krishna devotees - the Bhagavad-Gita As it Is - declared "extremist" and placed on the Federal List of Extremist Materials.
- "This case is more than important for us - it is vital," Hare Krishna lawyer Mikhail Frolov told Forum 18 News Service from Moscow on 4 October. "This is the most important development in the whole history of our movement in Russia. They are trying not just to declare our book extremist, but our religious teaching also. If they succeed, our community throughout Russia could be declared extremist."
- Tomsk Prosecutor Fedotov argued that the Bhagavad-Gita As it Is was extremist under Article 1 of the 2002 Extremism Law. Article 13 of the same Law bans the distribution or storage for the purposes of distribution of such extremist works. He cited a 24 June report by Tomsk regional FSB security service that it had obtained the Bhagavad-Gita As it Is at the Saraswati Indian shop in Tomsk. Fedotov also asked the court to send its ruling that the book is extremist to the federal authorities in Moscow, so that it could be included in the Federal List of Extremist Materials and banned throughout Russia.
- Nelli Krechetova, the Tomsk Region Ombudsperson for Human Rights,

<sup>11</sup> [http://www.forum18.org/Archive.php?article\\_id=1623](http://www.forum18.org/Archive.php?article_id=1623)



described attempts to ban the Bhagavad-Gita As it Is as "absurd", the local media reported on 3 October. She warned that "the possible ban on the book, and, therefore, the ban on the religious activity of its followers, violates the constitutional rights of the citizen to freedom of conscience, freedom of religion and freedom of speech."

From a December 28, 2011, The Times of India article, "Russian court refuses to ban Bhagvad Gita, followers cheer across the world".<sup>12</sup>

- A Russian court today rejected a petition, described by India as "patently absurd", which had sought a ban on a translated version of Bhagvad Gita, bringing cheers to followers here as well as those across the world.
- The text is a combination of the Bhagvad Gita, one of Hinduism's holiest scriptures, and commentary by A C Bhaktivedanta Swami Prabhupada, founder of the International Society for Krishna Consciousness, that is commonly known as the Hare Krishna movement, ISKCON.
- The prosecutors had asked the court to include the book on the Russian Federal List of Extremist Materials, which bans more than 1,000 texts including Adolf Hitler's "Mein Kampf".
- ISKCON members have alleged that the Russian Orthodox Church was behind the court case as it wanted to limit their activities.
- The case had created a storm back in India and even the Parliamentary proceedings had been affected by it.

Speaking in Parliament, Krishna had said the lawsuit was the work of "ignorant and misdirected or motivated individuals."

- Krishna had summoned the Russian Ambassador in New Delhi, Alexander Kadakin, and told him that Moscow should provide all possible help to resolve the issue that has been in the court for the last six months. Kadakin had assured Krishna that the Russian Government will do all it can within its power.
- The trial began in June and was scheduled to conclude on December 19. However, officials in Tomsk agreed to hear further testimony from experts and the Russian ombudsman for human rights and postponed the court decision till today.
- The judge, after reviewing the petition from the state prosecutors and the responses against it, dismissed the plea.

From a February 17, 2012, The Moscow Times article, "Case Against Krishna Book Will Go On".<sup>13</sup>

- A senior official in the Tomsk Prosecutor General's Office says an effort to ban a Hare Krishna book it considers extremist literature will continue despite being recently thrown out of court.
- The case to ban the book – a 1968 adaptation of the popular Hindu religious text done by the founder of the International Society for Krishna Consciousness – had been thrown out in January, but prosecutors appealed the ruling.

<sup>12</sup> [http://articles.timesofindia.indiatimes.com/2011-12-28/europe/30564895\\_1\\_russian-court-scientology-russian-ambassador](http://articles.timesofindia.indiatimes.com/2011-12-28/europe/30564895_1_russian-court-scientology-russian-ambassador)

<sup>13</sup> <http://www.themoscowtimes.com/news/article/case-against-krishna-book-will-go-on/453210.html>

- Prosecutors argued that the book contained extremist statements denouncing Christianity and promoting the superiority of Hinduism.

Fourth, authorities in Krasnodar are trying to place the main book of the Falun Dafa spiritual practice, titled Zhuan Falun, on the Federal List of Extremist Materials. From a December 29, 2011, NTD News article, "Russian Court Bans Falun Gong Book Again":<sup>14</sup>

- It was a bestseller in Beijing and has been translated into more than 30 languages, but the main book of the Falun Dafa spiritual practice was banned again in Russia last Thursday.
- The Board of Civil Affairs at Krasnodar Regional Court decided to place the book, titled Zhuan Falun, on the Ministry of Justice's list of extremist literature three years ago. That decision was then reversed in 2009, but later the case was re-opened from the regional to the district level. On October 27 this year, the court put the book on the list of extremist literature and on December 22, the court confirmed the decision to ban Zhuan Falun again.
- The lawyer representing the Russian Falun Dafa Association says the decision was not fair. "The right for equality between the parties was violated during the trial... this alone gives grounds for cancelling the decision. However the court did not hear our cancellation arguments."
- Seven independent expert researchers have concluded the book should not be called 'extremist,' as it does not incite social, racial, ethnic or religious friction.

- Department head of Scientific Publications of the Russian State Historical Archive, D. Raskin, has studied the book. "The doctrines in the book Zhuan Falun urge followers to raise their moral and spiritual level, encourages the faithful execution of one's work and civic duties, including raising children, caring for loved ones, getting rid of bad habits, addictions - including smoking, alcohol consumption - the cultivation of a truthful, kind and patient attitude towards people."
- Falun Dafa practitioners say Chinese authorities pressured the Russian court to ban the book. The Chinese Communist Party has been targeting Falun Dafa practitioners for more than 12 years. The former CCP Secretary General, Jiang Zemin, launched the persecution as the practice grew in popularity. Under his leadership, millions of copies of Zhuan Falun were destroyed.
- Falun Gong practitioners are appealing the court's decision.

Fifth, Russian authorities are now extending their nationwide bans of "extremist" religious materials to websites. From a December 2, 2011, Forum 18 article on Russia, "This isn't about freedom of conscience or censorship":<sup>15</sup>

- Russian state censorship of religious literature is now extending to websites - and possibly also to Hare Krishna, Forum 18 News Service has learnt.
- Jehovah's Witness websites nationwide are now being blocked for carrying copies of their works. "In many of Russia's cities our websites have been blocked by many providers since early and mid-November," Grigory Martynov

<sup>14</sup> [http://english.ntdtv.com/ntdtv\\_en/news\\_europe/2011-12-29/russian-court-bans-falun-dafa-book-as-extremist-.html](http://english.ntdtv.com/ntdtv_en/news_europe/2011-12-29/russian-court-bans-falun-dafa-book-as-extremist-.html)

<sup>15</sup> [http://www.forum18.org/Archive.php?article\\_id=1642](http://www.forum18.org/Archive.php?article_id=1642)

of the Jehovah's Witnesses told Forum 18 from St Petersburg on 1 December.

- Blocking of access in Russia to Jehovah's Witness websites began in July 2010, when internet service provider Technodesign in Komsomolsk-na-Amure blocked its customers' access to the official Jehovah's Witness international website [www.watchtower.org](http://www.watchtower.org), which contains information and publications in English, Russian and many other languages.
- However, the blocking of access to Jehovah's Witnesses websites has been extending across Russia, after a 19 September judgment by Yoshkar-Ola City Court in the Republic of Mari-El. Judge Yekaterina Shishmakova ruled that five named internet companies had to block access to the IP addresses linked to two Jehovah's Witness websites.
- The verdict reveals the involvement in the case of the Mari-El branch of the FSB security service. It notes that "in the course of conducting its operational/investigatory measures, the FSB of Russia for the Republic of Mari-El uncovered" the two sites where, it said, "free access" was possible to two banned works, *What Does the Bible Really Teach?* and *My Book of Bible Stories*.
- Internal government documents have revealed that moves against Jehovah's Witnesses and readers of the works of Muslim theologian Said Nursi are co-ordinated at a high state level. Both Jehovah's Witnesses and Nursi readers have been targeted in ways that suggest that their believers and communities are closely watched by the police and FSB security service - both within and outside their communities.
- Nazarov of the Prosecutor's Office revealed that in preparing the case, he had a copy of the 2010 Komsomolsk-na-Amure verdict. That case had been initiated by that town's Public Prosecutor Vitaly Pakhomov.
- Nazarov rejected suggestions that blocking these websites restricted individuals' freedom of conscience or represented censorship. "This isn't about freedom of conscience or censorship - it's about restricting access to extremist materials."
- As a result of the verdict, blocking of the Jehovah's Witness websites began soon after. One of the five companies, Megafon-Sibir, told Forum 18 that it had begun blocking access when the decision came into force. "The websites [jw.org](http://jw.org) and [watchtower.org](http://watchtower.org) were blocked by the court decision by blocking the corresponding IP-address," Mikhail Ivonin, Megafon-Sibir's public relations manager, told Forum 18 from on 1 December. He said the court had sent the decision to his company.
- Ivonin revealed that another Jehovah's Witness website, [jw-media.org](http://jw-media.org), was also being blocked even though it was not mentioned in the court verdict, as it is hosted on the same IP-address. Ivonin said the court decision was valid for internet service providers across Russia.
- The Moscow-based Sova Center, which monitors the misapplication of the Extremism Law, noted on 29 November that Megafon-Sibir had written to a customer in Kemerovo who had complained about the blocking: "The sites you mentioned were blocked by the company in the interests of your security."

## The Expansive Definition of “Extremism”

In June 2011, the Russian Supreme Court made clear that cases under “extremism”-related Articles of the Criminal Code must be very carefully and narrowly framed. However, the government continues to use the Extremism Law as a weapon to suppress minority religious freedom by expansively interpreting “extremist activity” to include religious writings that imply superiority of one’s religion to another, or that express opposition to moral and ethical shortcomings in society.

This expansive definition of “extremism” contravenes the narrow construction of the term to violence or incitement to violence articulated in the Shanghai Convention on Combating Terrorism, Separatism and Extremism, which Russia has signed and ratified:<sup>16</sup>

“Extremism” is an act aimed at seizing or keeping power through the use of violence or changing violently the constitutional regime of a State, as well as a violent encroachment upon public security, including organization, for the above purposes, of illegal armed formations and participation in them, criminally prosecuted in conformity with the national laws of the Parties.

Likewise, the UN Human Rights Committee has expressed concern regarding misuse of the Extremism Law and has recommended to Russia that the definition be narrowed to exclude arbitrary application of the law:<sup>17</sup>

<sup>16</sup> <http://www.sectesco.org/EN/show.asp?id=68>

<sup>17</sup> Concluding observations of the Human Rights Committee  
RUSSIAN FEDERATION

1.CCPR/C/RUS/CO/6 24 November 2009. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/465/50/PDF/G0946550.pdf?OpenElement>

The Committee reiterates its previous recommendation (CCPR/CO/79/RUS, paragraph 20) that the State party should revise the Federal Law on Combating Extremist Activity with a view to making the definition of “extremist activity” more precise so as to exclude any possibility of arbitrary application, and consider repealing the 2006 amendment.

## Increasing Raids and Misuse of the Administrative Code to Crack Down on Religion

In addition to the misuse of the Extremism Law, raids and fines on religious communities are on the rise - evidence of an increasing misuse of the Administrative Code. From an October 24, 2011, Forum 18 article on Russia, “Raids on meetings for worship increasing?”<sup>18</sup>

- Russian police and other security agencies appear to increasingly be raiding religious communities as they meet for worship, Forum 18 News Service notes.
- In September, four Jehovah's Witness communities in the Chuvash Republic, on the Volga, and one Muslim community in Belgorod Region, on Russia's border with Ukraine, were raided as they met for worship.
- In Belgorod, several hundred Muslims were in the middle of Friday prayers when police - some with weapons and wearing masks - broke up the service, claiming to be looking for illegal immigrants. Of more than 350 men present, more than 150 were taken to police stations. Only six were found to be in Russia without a legal basis, according to the police report.

<sup>18</sup> [http://www.forum18.org/Archive.php?article\\_id=1629](http://www.forum18.org/Archive.php?article_id=1629)

- Police have often raided and searched places of worship – particularly of Jehovah's Witnesses – but not when services and meetings are underway. Raids on religious communities as they meet for worship are rarer, though these have increased in recent years.
- In February 2010 armed police with dogs raided a Lutheran Sunday morning service in their church in Kaluga. The Lutheran pastor preaching at that service, drawing on the experience of being raided, later wrote an article with advice on "How to behave during raids".
- In April 2010 police and an Federal Security Service (FSB) officer raided the Sunday morning service of a Baptist church in a private home in Elektrostal near Moscow.
- At the same time, the number of people being fined for leading meetings for religious worship without the approval of local authorities appears to be rising. From an October 28, 2011, Forum 18 article on Russia, "Fined for meeting for worship":<sup>19</sup>
  - An increasing number of people are being fined or threatened with fines across Russia for organizing or conducting meetings for religious worship which has not been specifically approved by the local authorities, Forum 18 News Service has found.
  - Local police and prosecutor's offices bring cases under Article 20.2 of the Code of Administrative Violations.
  - Religious communities pointed out to Forum 18 that prosecutor's offices and the local media are quick to report when such cases are launched, as well as fines handed down, but often fail to report acquittals.
- Convictions of leading members of local religious organizations also put at risk an organization's legal status, as a second "violation" – of whatever nature – could put it at risk of liquidation. Article 14, Part 1 of Russia's 1997 Religion Law provides various grounds for liquidation of a religious organization including "in cases of repeated or crude violations of the Constitution of the Russian Federation, the present Federal law or other federal laws".
- Inna Zagrebina of the Moscow-based Guild of Experts on Religion and Law says she began to notice this growing trend of the use of Article 20.2 against religious communities in 2009, when prosecutors brought a case against Baptists in Tomsk. "I think such cases are under-reported, as unfortunately people don't come forward about them," she told Forum 18 from Moscow on 27 October.
- The increasing use of the Administrative Code to punish or try to punish meetings for worship comes as raids on religious communities as they worship also appear to be increasing.
- Cases under Article 20.2 of the Code of Administrative Violations are generally launched against individual leaders of religious communities after meetings for worship are visited by the local police officer, prosecutor's office officials or other local officials.
- Some lawyers – such as Zagrebina of the Guild of Experts on Religion and Law – argue that punishing meetings for religious worship in private homes or in rented accommodation is a misuse of the Article. She points to Russia's Constitution, which guarantees in Article 28 the right to meet with others to profess a religion, as well as provisions of the 1997 Religion Law.

<sup>19</sup> [http://www.forum18.org/Archive.php?article\\_id=1631](http://www.forum18.org/Archive.php?article_id=1631)

## Conclusion

Rising government restrictions have fostered an atmosphere of intolerance and discrimination against religious minorities and their individual members throughout Russia.

International and legal standards mandate that religious minorities be treated fairly and without discrimination. But Russia's misuse of the Extremism Law contravenes these standards. Its official actions cannot be countenanced under UN and OSCE standards, including the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, Article 18 of the International Covenant on Civil and Political Rights and the Helsinki Accords.

The international community should increase its pressure on the Russian government to reverse course and begin to respect the fundamental rights of individuals and communities.

Perhaps a good place to start is to ask the Russian government to narrow its definition of "extremism" to violence or incitement to violence articulated in the Shanghai Convention on Combating Terrorism, Separatism and Extremism, which Russia has signed and ratified:<sup>20</sup>

*"Extremism" is an act aimed at seizing or keeping power through the use of violence or changing violently the constitutional regime of a State, as well as a violent encroachment upon public security, including organization, for the above purposes, of illegal armed formations and participation in them, criminally prosecuted in conformity with the national laws of the Parties.*

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<sup>20</sup> <http://www.sectesco.org/EN/show.asp?id=68>