

# ***Human Rights Without Frontiers Int'l***

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## **OSCE Human Dimension Implementation Meeting**

**Warsaw, 30 September 2015**

### **Working Session 14**

**Tolerance and non-discrimination II, including: – Combating racism, xenophobia and discrimination, also focusing on intolerance and discrimination against Christians and members of other religions**

**Russia: Persistent abuse of the anti-extremist legislation against Jehovah's Witnesses and Said Nursi followers**

#### **Recommendations**

##### **Human Rights Without Frontiers calls upon the Russian authorities**

- To release the 1 million brochures of Jehovah's Witnesses blocked by the customs in St Petersburg for allegedly containing extremist material while such brochures are distributed worldwide in more than 100 countries without any restriction or problem.
- To lift the ban on the works of Turkish Muslim theologian Said Nursi as they do not contain any call to violence and to stop prosecuting those who read his books.
- To follow the repeated recommendations of the UN Human Rights Committee that the Federal Law on Combating Extremist Activity should be revised without undue delay with a view to clarifying the vague and open-ended definition of "extremist activity", ensuring that the definition requires an element of violence or hatred, and establishing clear and precise criteria on how materials may be classified as extremist.

## **Russia: Persistent abuse of the anti-extremist legislation**

The anti-extremist legislation remains a major source of threat to freedom of conscience. Representatives of different religions are wrongfully persecuted under the provisions of this legislation, but certain groups such as Muslims and Jehovah's Witnesses are the most affected.

### **One million Jehovah's Witnesses brochures seized by the customs**

Customs in St Petersburg have intercepted a truck containing more than one million brochures of Jehovah's Witnesses that were intended for the Administrative Center of Jehovah's Witnesses in Russia on the grounds that it was extremist material.

Russia is the only country in the world that considers extremist a number of brochures of Jehovah's Witnesses that are distributed worldwide without any problem. It is well-known that this religious movement is against war and violence. Jehovah's Witnesses are conscientious objectors to military service because they refuse to bear arms. Their writings do not incite to religious hatred nor contain hate speech.

At the root of these discriminatory actions is the arbitrary interpretation of the Law on Counteracting Extremist Activity. In this connection the UN Human Rights Committee noted in its "Concluding observations on the seventh periodic report of the Russian Federation":

The Committee remains concerned . . . that the vague and open-ended definition of "extremist activity" in the Federal Law on Combating Extremist Activity does not require any element of violence or hatred and that no clear and precise criteria on how materials may be classified as extremist are provided in the law. The Committee expresses concern at numerous reports that the law is increasingly used to curtail freedom of expression, including political dissent, and freedom of religion, targeting, inter alia, Jehovah's Witnesses. The Committee reiterates its previous recommendations . . . that the State party should revise without undue delay the Federal Law on Combating Extremist Activity with a view to clarifying the vague and open-ended definition of "extremist activity", ensuring that the definition requires an element of violence or hatred, and establishing clear and precise criteria on how materials may be classified as extremist. It should take all necessary measures to prevent the arbitrary use of the law and revise the Federal List of Extremist Materials.— (CCPR/C/RUS/CO/7 point 20)

An example of the heinous application of the law on extremism is the seizure at the customs office of a 17-ton consignment of 4-page invitations to the "Imitate Jesus" convention, which was held in the summer. As a result of the unlawful seizure the invitations can no longer be used. Unfortunately, the brochures make up only a part of the seized consignment. There are more than 80 tons of Bible-based literature and Bibles still being held at the border.

## **Ban on Muslim publications**

In Russia, the works of Turkish Islamic theologian Nursi are banned although they do not contain any call or incitement to violence.

### *Court cases in Ulyanovsk*

In Ulyanovsk, three Muslims who were accused of reading such works have lost their appeal against their February convictions for "extremist" activity by Ulyanovsk's Lenin District Court. All three defendants denied the charges, maintaining they had met only to discuss Islam and to attend football matches.

Kazikhanov, who was detained in police custody until the appeal hearings, was sentenced in February to three and a half years' imprisonment for "organisation of extremist activity", the first known person to be sentenced since lengthened prison terms under Criminal Code Article 282.2, Part 1 were introduced in February 2014. He was also the first reader of Nursi's books since September 2013 to receive a jail sentence. The two other defendants received suspended sentences of two years and one year and eight months respectively.

All three sentences will be reduced by the amount of time the defendants have already spent in custody and under house arrest. The men were all preparing to appeal.

The whereabouts of 26-year-old Farkhad Allakhverdiyev, the fourth man charged under Article 282.2, Part 2, are still unknown. His name is on the Interior Ministry "Wanted Database". As a result, prosecutors have been obliged to open a separate case against him.

### *Court case against two Nursi readers in Krasnoyarsk*

On 8<sup>th</sup> August 2013, police "anti-extremism" officers and the FSB security service raided Gerasimova's and Guzenko's flats, during the major end-of-Ramadan festival Eid-ul-Fitr. At Gerasimova's home, police conducted a five-hour search. During this the family's Eid guests were not permitted to leave and Gerasimova (who is a lawyer) noted a number of procedural violations.

Krasnoyarsk Regional Prosecutor's Office alleged in a press release on 29<sup>th</sup> May 2014 that the accused ran an alleged "cell" of more than 10 women, and fostered contacts with

"Nurdzhular" members in Naberezhnyye Chelny. Muslims in that city have denied this allegation.

The case under Article 282.2, Part 1, finally got underway with a preliminary hearing at Soviet District Court on 27<sup>th</sup> November 2014, having been passed around the Krasnoyarsk court system for the previous six months. All 14 hearings since then, the latest on 3<sup>rd</sup> March 2015, have been adjourned.

### ***A court case against three Nursi readers in Krasnoyarsk***

Since January 2014, the Siberian Federal District Investigative Committee's investigation of 35-year-old Andrei Dedkov<sup>1</sup> under Article 282.2, Part 1 ("Organisation of the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity") and 32-year-old Aleksei Kuzmenko and 18-year-old Ismat Agdzhayev under Article 282.2, Part 2 ("Participation in the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity") has been underway.

The FSB security service detained the three men and several other Muslims at Krasnoyarsk's Cathedral Mosque and in a hypermarket car park. Officers confiscated copies of Nursi's Risale-i Nur (Messages of Light) collection, computer equipment, and mobile phones during searches of their homes.

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<sup>1</sup> Dedkov, alongside three other Krasnoyarsk Muslims, was charged with involvement in "Nurdzhular" on a previous occasion – this case was dropped when the two-year deadline expired in March 2012.