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**RUSSIA:
WIDE-RANGING CRACKDOWN ON RELIGIONS IN VIOLATION OF HELSINKI ACCORDS**

EXECUTIVE SUMMARY

The gravest threat to religious freedom in Russia is the federal government's escalating use of the 2002 Extremism Law to censor religious scriptures and disrupt religious organizations under the pretext of combating "religious extremism." This comes against an established pattern of government obstruction of religious minority communities, using provisions of the 1997 Religion Law and the 2006 NGO Law.

The Extremism Law was justified by the need to combat terrorism after 9/11, but the federal government has increasingly used it to discriminate against religions by suppressing religious practice and censoring religious scriptures under the pretext of "religious extremism". This has led to a wide-ranging crackdown on religious literature and organizations that do not have traditional status in the country.

The turning point in this recent 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 in July 2007 with 14 titles. And while the Justice Ministry compiles the Federal List of Extremist Materials, local authorities can instigate these cases and any low-level court can rule a religious work "extremist," and this work is then automatically added to the list and banned throughout the Russian Federation.

Then, in 2009, the Justice Ministry reconstituted its Expert Religious Studies Council and gave it wide-ranging powers to investigate the activity, doctrines, literature and worship of religious organizations; ascertain if an organization, one of its members, or its literature is extremist; and then recommend measures.

The Russian Justice Minister's appointments to the Council exacerbated the fears of religious minorities:

- Aleksandr Dvorkin, Russia's most prominent "anti-cultist" who lacks academic credentials as a religion specialist, was appointed to chair the Council. His deputy is Roman Silantyev, who has written numerous intolerant articles on Islam. The Council's members include five individuals known for their "anti-sect" activities.
- Dvorkin heads the St. Irenaeus of Lyons Religious Studies Research Centre. Forum 18 reports the Centre's website lists numerous "sects and cults," of which the most familiar and established in

Russia include: charismatic Protestants (termed "neo-Pentecostals" by Dvorkin and his supporters), Hare Krishna devotees, Jehovah's Witnesses, Mormons and the New Apostolic Church.

- Forum 18 also reports that among Dvorkin's many attacks on such groups is his conclusion to a paper on "Neo-Pentecostalism in Russia," delivered at an April 2001 conference on "Totalitarian Sects – Threat of the 21st Century" in Nizhny Novgorod. He describes the faith of charismatic Protestants as, "a crude magical-occult system with elements of psychological manipulation... an anti-Biblical teaching furthering the personal enrichment of its pastors and the dissemination of false teachings originating in pagan cults." And in an interview shortly after his new appointment broadcast on Radonezh, a Moscow-based Orthodox radio station, he accused Adventists of using deception.
- Also known as the Russian Association of Centres for the Study of Religion and Sects, Dvorkin's Centre has branches in over a dozen Russian cities, some of which are missionary departments of Orthodox dioceses. Forum 18 reports the Saratov branch is headed by Aleksandr Kuzmin. Kuzmin's Saratov Centre issued an open letter to Saratov residents condemning "Feel the Force of Change," a campaign promoting Christian social activism organized by local Protestant Churches. The letter attacks one participant in particular, Word of Life Pentecostal Church, as "a horribly destructive sect. In Russia there were cases of beatings and murder of children in this sect in the guise of exorcism." Kuzmin is also the author of a leaflet, which was declared extremist by a Siberian court, linking Hare Krishna devotees with murder and child abuse.
- Forum 18 reports another new Council appointee, Yevgeny Mukhtarov, who heads the Yaroslavl branch of Dvorkin's Association. Its website lists Adventists, Baha'is, Baptists and the Salvation Army among "non-traditional cults" in Yaroslavl Region.
- Forum 18 reports another appointee has urged Muslims to burn Islamic books banned as extremist – even as prominent Muslim leaders press for a review of such rulings.

Forum 18 reported on the unprecedented outcry provoked by these appointments:

- Andrei Sebentsov, head of the Russian government's Department for Relations with Religious Associations, remarked to Portal-Credo religious-affairs website that the appointments of Aleksandr Dvorkin – "not a religious-studies scholar and de facto representing the interests of the Russian Orthodox Church (Moscow Patriarchate)" – and his assistant were "a very strange fact which could have far-reaching consequences."
- The Union of Old Believer Theologians, a group not directly threatened, voiced strong opposition, viewing the developments as "a direct threat to the constitutional rights of the citizens of Russia to freedom of confession [which] could serve as a dangerous catalyst for inter-confessional strife, a prologue to the beginning of struggle against religious dissent, oppression of believers, the restoration of religious censorship and inquisition." The Old Believers called for the removal of some Council members, and even suggested that the best course of action would be the complete abolition of the Council. "Otherwise, the religious life of Russia will always depend upon the subjective opinion of whichever people have ended up on this body."

- Roman Lunkin, who heads the Institute of Religion and Law at the Slavic Centre, called the Council's formation "a declaration of war" to religious associations other than the Moscow Patriarchate, "at the very least, an inquisition." He subsequently published an open letter to Justice Minister Konovalov – intended as a petition – calling for Dvorkin, Aleksandr Kuzmin, Yevgeny Mukhtarov, Fr Lev Semenov and Andrei Vasilchenko to be removed from the Council. Lunkin also reported that Igor Yablokov, who heads the faculty of Religious Philosophy and Religious Studies at Moscow State University and is the only previous Council member, vowed at its first meeting that he would not attend in the future as it did not bear "even the remotest resemblance to a meeting of scholars."
- The head of the Baptist Union, Yuri Sipko maintained that the changes to the Council sought to reduce religious freedom to a level at which "everything is controlled and subordinate to a single ideology and freedom itself is banned...this only underscores the helplessness of our state authorities, who, instead of following constitutional principles of freedom - including religious freedom – constantly feel the urge to curb these freedoms."
- Pentecostal Bishop Sergei Ryakhovsky remarked that the appointment of Dvorkin – "a thoroughly odious personality in Russian religious circles" – was "a huge provocation by the Justice Ministry." He later told the Protestant TBN television channel that he expected "very unpleasant actions" from the new Council and urged Minister Konovalov to resign. In response, Council vice-chair Silantyev suggested that Ryakhovsky should not make "rash offensive statements." The Council was "not created to flatter the gaze of the US State Department," he continued, maintaining that Council recommendations would instead be taken seriously by major government organs.
- In an open letter to Justice Minister Konovalov, Viktor Vitko, vice-chair of the Seventh-day Adventist Church's Euro-Asia Division, supported Lunkin's call for Council members to be removed, and suggested that allocating the right to make recommendations on the state's behalf to "people renowned for their fight against non-Orthodox organizations and movements in Russia" would inevitably result in future conflicts and court cases.

Forum 18 also 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."

Sure enough, a wide-ranging crackdown is now in progress, and many religions with headquarters in the United States are being subjected to severe religious repression in Russia.

Muslims and Jehovah's Witnesses have been primary targets of the crackdown. Here are highlights from Forum 18 reports:

- 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, warning "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 extremism."

- In February 2008 the Government added to the list of banned books the 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 July 30, 2010, an internet service provider, Technodesign in Komsomolsk-na-Amure, blocked access to the Jehovah's Witness international Watchtower website, as part of a crackdown on websites with "extremist content." The decision to block access was made following the requirements of a June 4 ruling by a judge in the Central District Court there. Other sites, including YouTube, have also been ordered blocked on prosecutors' suits.
- 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, who faces possible imprisonment of up to three years if convicted.

Another primary target is Scientology:

- 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."

- 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 subject to challenge below.
- On July 13, 2010, despite the Court of Appeals decision remanding the Scientology Extremism case to the Surgut City Court, within three hours of that decision the Ministry of Justice listed the seized Scientology materials on the Federal List of Extremist Materials. This renders all Scientology centers open to prosecution.
- On July 26, 2010, Russian media reported that prosecutors opened a criminal case against a Scientology center in Shchylkovo, just outside of Moscow, on charges of inciting hatred.

But the crackdown on religions has been wide-ranging, impacting Evangelicals, Lutherans, Baptists, Pentecostals, Methodists, Presbyterian, the Jewish community, etc. Here are highlights from Forum 18 reports:

- On May 13 and 14, 2007, police arrested and detained 15 members of the Voskresenye Baptist community in Ivanovo who were holding an event in a movie theater and distributing the New Testament and Book of Psalms. The police tried to intimidate the detainees and urged them not to attend Baptist meetings, stating that it was a "harmful sect."
- In the Siberian republic of Khakassia, Glorification Pentecostal Church was forced to demolish its prayer hall in June 2007.
- A Pentecostal Bible Centre in Chuvashia was dissolved for unlicensed educational activity in August 2007 and has subsequently sent an appeal to the ECHR.
- In another case, a small Methodist church in Belgorod Region was dissolved by court order in February 2008 for failing to file a report about its annual activities on time.
- In March 2008, Moscow city authorities announced a yeshiva (Jewish school) would be dissolved.
- In June 2008, a Moscow district public prosecutor issued an extremism warning to a local Baptist pastor without specifying its grounds for doing so.
- Two Baptist congregations in the regional centre of Lipetsk (approximately 400km south-east of Moscow) have lost their legal status and a third has lost its rented prayer house. "There's been nothing like this in Lipetsk for 20 years," Vladimir Boyev, pastor of one of the congregations, exclaimed to Forum 18 News Service. The state's methods may not be those of the Soviet period, when religious believers could end up in prison, Pastor Boyev admitted. "But they have found a different way – a bureaucratic way – to put our Church in a terrible position," he pointed out to Forum 18. "We are defenseless!"

- Two Baptist preachers in Russia's Baltic Sea exclave of Kaliningrad have been fined after their community "sang psalms and spoke about Christ" in the street.
- In September 2008, the Russian Justice Ministry published a list of 22 religious organizations for which it was seeking to liquidate through the courts. Two decided to dissolve themselves: the Presbyterian Christian Theological Academy and the Institute of Contemporary Judaism, both in Moscow.
- In October 2008, the Justice Ministry published a list of 56 centralized religious organizations throughout Russia for which it planned to request the deprivation of legal status for alleged violations of reporting requirements under the NGO Law. These organizations, spanning confessions broadly considered mainstream, were earmarked for court liquidation because the Justice Ministry claims not to have received their accounts. Old Believer, Armenian Apostolic, Catholic, Protestant, Nestorian, Muslim and Buddhist organizations are among those on the list. The courts issued rulings to liquidate 59 local organizations for violations of constitutional norms and federal legislation.
- On February 28, 2010, police in Kaluga raided the Sunday service of St. George's Lutheran congregation. Eleven police officers armed with automatic weapons and accompanied by police dogs burst into the service looking for alleged "extremist literature."
- On March 31, 2010, the Wednesday before Easter, four Council of Churches Baptists in Salsk (Rostov-on-Don Region) offered Christian books and leaflets free of charge to passers-by. Police ordered them to the police station "for a check-up on the literature." The four were taken to the Prosecutor's Office before being taken to the police station. The books were confiscated without any record being drawn up and the four were then released.
- On April 18, 2010, about 12 state officials including an FSB security service officer raided the Sunday morning worship service of the Council of Churches Baptist congregation in Elektrostal (Moscow Region). The unregistered church meets in a private home. The officials presented a copy of a court decision "to conduct searches of homes and ancillary premises belonging to the International Council of Evangelical Christians/Baptists and to record all people found there..."
- On June 30, 2010, when local members of the Baptist Union in Tambov Region sought to hold a series of evangelistic events on July 10 in Sosnovka village, their request was rejected. Officials cited opposition from Russian Orthodox clergy in the local newspaper. The Baptists went ahead with a rehearsal on July 9, but police arrived after two complaints, one from an elected representative. A deputy police chief admitted the Baptists were not breaking the law, but an aggressive group of people arrived late that night and threw stun grenades at them while police watched.

Incredibly, the Federal List of Extremist Materials has grown to 694 items as of September 2010. This list can be found on the Ministry of Justice website: <http://www.minjust.ru/ru/activity/nko/fedspisok/>

News of a new regional "black list" of 265 organizations broke in early September 2010. Reportedly, on August 18, 2010, the Deputy Director of the Department of Labor and Social Security of the autonomous region of Khanty-Mansiisk sent a letter to directors of local cultural institutions, explaining that

“destructive sects and groups whose activities are causing irreparable damage to society and the individual” are spreading across Russian Federation territory.

The Department has prepared material “to combat the participation of members of these sects in cultural and social events.” Further, authorities intend to carry out a media information campaign and make clinics and hospitals record cases of refusal of medical treatment based on “sectarian motivation.” Two “black lists” were attached to this letter: one listing organizations deemed “extremist” and the other listing the “best known totalitarian groups” that have substantial activities in the country. Links to two news stories on this follow:

<http://www.asianews.it/news-en/Moscow%E2%80%99s-measures-against-extremist-sects-19451.html#>
<http://www2.stetson.edu/~psteeves/relnews/1009b.html>

The following is a selected list of religious organizations included on this regional “black list”: Seventh-day Adventists-Reformists; Sects (neopentecostals) including members of the Russian Associated Union of Christians of Evangelical Faith (ROSKhVE) and the Russian Union of Christians of Evangelical Faith Pentecostals (RSKhVEP); “Messianic Jews” and a number of groups of the “Jews for Jesus” movement; New Life; Church of the Full Gospel; Catacomb Church of True Orthodox Christians (old and new rites); International Society for Krishna Consciousness; Mormons; Church of Scientology; Jehovah’s Witnesses; Christian Science; Unification Church; Falun Gong. The Russian language list of “destructive” sects can be found on the Prozrenie site:

http://www.prozrenie.ucoz.kz/publ/perechen_naibolee_izvestnykh_destruktivnykh_totalitarnykh_sekt_i_grupp_obladajushhikh_znachitelnym_chislom_priznakov_takovykh_a_takzhe_okkultnykh_ce/1-1-0-1

The European Court of Human Rights has issued multiple recent decisions against Russia, with regard to Articles 9 and 11 of the European Convention on Human Rights. Article 9 provides for the right to freedom of thought, conscience and religion. Article 11 provides for the right to freedom of peaceful assembly and to freedom of association with others.

- In JEHOVAH’S WITNESSES OF MOSCOW v. RUSSIA (Application no. 302/02), the Court held on June 10, 2010, “there has been a violation of Article 9 of the Convention read in the light of Article 11 on account of the dissolution of the applicant community and the banning of its activity”, and, “there has been a violation of Article 11 of the Convention read in the light of Article 9 on account of the refusal to allow re-registration of the applicant community.”
- In KIMLYA AND OTHERS v. RUSSIA (Applications nos. 76836/01 and 32782/03), the Court held on October 1, 2009, “there has been a violation of Article 9 of the Convention read in the light of Article 11.”
- In CHURCH OF SCIENTOLOGY MOSCOW v. RUSSIA (Application no. 18147/02), the Court held on April 5, 2007, “there has been a violation of Article 11 of the Convention read in the light of Article 9.”
- In MOSCOW BRANCH OF THE SALVATION ARMY v. RUSSIA (Application no. 72881/01), the Court held on October 5, 2006, “there has been a violation of Article 11 of the Convention read in the light of Article 9.”

Further, in the most recent ECHR decision on Russia and religious freedom regarding the Jehovah’s Witnesses, issued on June 10, the Court wrote:

157. The Court has already had occasion to examine the particular situation obtaining in Moscow in the period following the enactment of the 1997 Religions Act where the authorities have consistently denied re-registration to religious organisations which were described as “non-traditional religions”, including The Salvation Army and the Church of Scientology. The Court found in both cases that “the Moscow authorities did not act in good faith and neglected their duty of neutrality and impartiality” (see *Church of Scientology Moscow v. Russia*, no. 18147/02, § 97, 5 April 2007, and *Moscow Branch of the Salvation Army v. Russia*, no. 72881/01, § 97, ECHR 2006-XI). This differential treatment, for which Jehovah’s Witnesses also appear to have been singled out, has remained a matter of concern for the Parliamentary Assembly of the Council of Europe...

172. ...Furthermore, the Court found in those same cases that the refusal of re-registration disclosed an interference with the religious organisation’s right to freedom of association and also with its right to freedom of religion in so far as the Religions Act restricted the ability of a religious association without legal-entity status to exercise the full range of religious activities and also to introduce amendments to its own articles of association (see *The Moscow Branch of The Salvation Army*, § 74, and *Church of Scientology Moscow*, § 83, both cited above). These findings are applicable in the present case as well...

180. It follows that the grounds invoked by the domestic authorities for refusing re-registration of the applicant community had no lawful basis...

The United States Commission on International Religious Freedom believes the issue of freedom of religion or belief should be given a high priority in the “reset” of U.S.-Russian bilateral relations, since it is both a human rights and security concern in Russia. The Commission has stressed that human rights problems need to be raised publicly by President Obama and his administration, and is convinced that raising freedom of religion or belief is an important issue in U.S.-Russian bilateral relations will enhance this key relationship while exemplifying American respect for universal human rights.

In June 2010, the Chair of the Commission wrote a letter to President Obama and respectfully asked him to, “urge reform of Russia’s law on extremism,” and, “to take specific actions to protest the impunity accorded to Russian officials and others who commit gross human rights violations as well as violent hate crimes against members of Russia’s religious and ethnic minorities, including Jews, Muslims and Protestants. Pressing Moscow to accord greater respect for human rights for all its citizens is critical if Russia is to become a more democratic, dynamic, and stable strategic partner.” Specifically, he stated:

The Russian government has increased its use of anti-extremist legislation against religious and other groups that are not known to use or advocate violence, including Jehovah’s Witnesses. The Russian extremism law should be amended to ensure that it no longer is used against peaceful human rights and religious groups...

It is only by enacting reforms of Russian laws and policies on human rights, including freedom of religion or belief, that Moscow will become an effective partner with the United States on the common international interests in which the two nations are currently engaged.

The Commission’s recommendations in its 2010 Watch List Countries Report on the Russian Federation included that “the U.S. government should”:

- Urge, in public and at high political levels, the Russian government to undertake programs and adopt legal reforms to ensure respect for international norms on freedom of religion or belief;
- Implement the provisions of the “Smith Amendment” of the 2010 Consolidated Appropriations Act (Section 704 of P.L. 111-117) to prohibit U.S. financial assistance to the Russian Federation government due to, inter alia, its discrimination against religious groups through laws and government actions, excessive application of the extremism law, and reported restrictions by regional and local officials on minority religious groups;
- Maintain a mechanism to monitor publicly the status of human rights in Russia, including freedom of religion or belief, particularly in the case of repeal of the Jackson-Vanik amendment with respect to Russia, as well as establish a program to monitor implementation of Russia’s law on non-commercial organizations (NGO Law), including its impact on religious organizations;
- Organize regular roundtables in Washington with members of the National Security Council, and representatives of religious communities and civil society as well as academic specialists, on the status of freedom of religion or belief in Russia;
- Organize as part of the U.S.-Russia Bilateral Presidential Commission a working group comprised of legal experts on international norms on freedom of religion or belief;
- Ensure that human rights issues, including freedom of religion or belief, are raised in the context of negotiations on Russian accession to the World Trade Organization;
- Urge the Russian government to implement the February 2010 Constitutional Court decision that the Civil Procedural Code be amended to require Russian courts to implement decisions by the European Court of Human Rights rather than the payment of fines as is current practice;
- Urge the Russian government to amend the Russian extremism law to address acts that involve violence or incitement to imminent violence, and drop bans on non-violent organizations, literature and religious communities;
- Urge the Russian government to halt current investigations, and reconsider previous legal cases, against individuals and organizations accused of extremism solely for their exercise of internationally protected rights, including freedom of religion or belief;
- Urge the Russian government to withdraw or substantially amend the NGO law or, failing that, develop regulations consistent with international standards limiting the state’s discretion to interfere with the activities of NGOs, including religious organizations.

The Commission’s recommendations in its 2010 Watch List Countries Report on the Russian Federation included that “the Russian government should”:

- Cease interference in the internal affairs of religious communities, unless stipulated by law and in conformity with international human rights standards;

- Amend the legal provision of the extremism law whereby any court can rule the Russian translation of a text to constitute extremism, which automatically adds that text to the Federal List of Extremist Literature and bans that text throughout Russia, and re-examine recent court rulings deeming publications of the Jehovah's Witnesses and of the Turkish theologian Said Nursi extremist;
- Undertake a thorough reform of the mandate and personnel of the Ministry of Justice's 2009 Expert Religious Studies Council so as to diversify its membership and to revoke its authority to recommend investigations of religious groups, including of their activities and literature.

CONCLUSION

Russia's systematic violations of the Helsinki Accords and other fundamental human rights instruments protecting freedom of religion must not go unchecked and unmonitored. THE INSTITUTE on Religion and Public Policy urges the OSCE and State representatives to investigate these violations and express their concern.