

**Submission by the Church of Scientology**

**OSCE Review Conference**

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**Censorship and Suppression of Religious Freedom under the Extremism Law: Religious Discrimination Directed at Scientology Organizations in Russia in Contravention of Fundamental Human Rights**

**Overview**

The gravest threat to religious freedom in Russia is the government's escalating use of the Federal Act of 25 July 2002 (with subsequent amendments), "On Counteracting Extremist Activity" ( "Extremism Law" or "Law" ) to censor religious scriptures and harass and disrupt religious organizations under the pretext of combating "religious extremism."

The Extremism Law may have been justified by the need to combat terrorism based on the infamous terrorist attacks in 2001. However, the Russian government has increasingly seized upon this law to improperly target and suppress religious minorities. This has led to a wide-ranging crackdown on religious literature, minority religious organizations and their members in Russia.

The Extremism Law is typically used against religions to censor religious literature based on biased expert reports. For example, Forum 18 notes that, in one case, Muslim literature was banned because the expert argued the literature was "extremist" as it "propagandizes the idea of the superiority of Islam - and therefore Muslims - over other religions and the people who adhere to them".<sup>1</sup> Yet, a fundamental tenet of religious freedom is the right to say that yours is the only true religion. NGOs and the Russian Human Rights Ombudsman have expressed concern over the use of the Extremism Law to suppress and censor religions.

The Law provides for harsh penalties against organizations, providing for the possibility of suspension or banning of their activity, liquidation of the organization conducting or suspected of conducting of extremist activity, forfeiture of property and prosecution of individuals associated with the organization for distributing banned materials or for continuing the activities of the organization subsequent to liquidation.

In December 2009, the Russian Supreme Court issued a decision against the Jehovah's Witnesses. This gives a good snapshot of how the Extremism Law is applied and the dangers it contains. The Supreme Court upheld the finding that 34 Jehovah's Witness publications are "extremist" and therefore banned nationwide. Any person distributing or using those materials can be arrested. Any organization distributing them can be charged. The Jehovah's Witness community in the local town of Taganrog was also found by the lower Court as an "extremist organization" and is banned from meeting as a community. The Court also ordered that the religious organization be liquidated. The organization's property – including land, office and residential premises – were placed under

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<sup>1</sup> "Russia: How the Battle with Extremism was Begun" Geraldine Fagan, 27 April 2009  
<http://www.forum18.org>

state control. The Supreme Court also upheld, as part of the ruling, the liquidation of the Taganrog Jehovah's Witness congregation as "extremist". The congregation's property was confiscated, and it was banned from meeting as a community.

International human rights organizations have warned that the Russian government has retreated from its human rights mandate of respecting religious freedom. In spite of the principles of non-discrimination and equal treatment at the heart of the UN Bill of Rights, the Russian Government is systematically using the Extremism Law to: 1) seize and censor peaceful religious scriptures read without incident the world over; 2) arrest and detain members of minority faiths for reading and disseminating these religious materials; and 3) initiate proceedings to liquidate and shut down religious organizations in order to disrupt and suppress their right to conduct religious activities in contravention of the fundamental human right to religious freedom.

The government's campaign has become so extensive that, as of September 2011, there are approximately 1,000 items included on the Ministry of Justice list of banned "extremist" materials including articles, leaflets, pamphlets, brochures, books, specific newspaper and magazine issues, films, videos, recorded lectures and other recordings and pieces of music. The list of the extremist organizations and the list of extremist literature are posted on the website of the Ministry of Justice of the Russian Federation. This list can be found on the Ministry of Justice website.<sup>2</sup>

The campaign has been chillingly wide-ranging. Jehovah's Witnesses, Muslims, Evangelicals, Lutherans, Baptists, Pentecostals, Methodists and Presbyterians have been targeted.

The Scientology religion, its parishioners and its religious and social organizations have been a recurring target of this national government campaign of religious repression. Scientology organizations have been the target of numerous "investigations" under this law. The Church of Scientology has also prevailed in a number of court decisions – over ten -- under this law.

In addition, in 2010, after an *ex parte* hearing without any notice to the Church or anyone connected to the Church, 29 articles of basic Scientology Scriptures were declared "extremist" by the Surgut City Court and improperly placed on the extremist materials list before a final judgment was rendered. The Church ultimately prevailed in this case and, in April 2011, the Ministry of Justice was ordered by the Surgut City Court to remove the 29 Scientology related materials from the list, which it did.

Currently, there are two other decisions that have censored Scientology religious Scriptures and related religious materials. These decisions are not final and appeals are pending. They have no basis in law and constitute blatant religious discrimination and censorship in violation of fundamental human rights standards binding on the Russian Federation.

To understand the absurdity of these rulings, the Scriptures and religious materials at issue have been published and accessed throughout the world, some for as long as 60 years. These materials have been available to Scientologists, Scientology religious organizations and members of the public without any censorship in over 165 countries throughout the world. You can find these very materials in public libraries in countries and cities throughout the world.

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<sup>2</sup> The Ministry website may be accessed at <http://www.minjust.ru/ru/activity/nko/fedspisok/>.

## **Scientology Scriptures Improperly Censored**

### **1. Surgut Decision**

Authorities are also attempting to suppress the Scientology religion by seizing upon the June 2002 Extremism Law to justify confiscation and censorship of Scientology religious Scriptures.

By way of background, on 26 March, 2010, the Surgut City Court of Khanty-Mansi 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 13 July 2010, the Khanty Mansiysk Court of Appeals heard the complaints of all applicants that had filed appeals to enter into the Surgut extremist case but were refused the right to intervene or file an appeal by the Surgut City Court. Church of Scientology International (CSI), Church of Scientology of Moscow and three founding members of the religious group in Surgut who were intended recipients of the seized materials were heard by the Appeals Court. The Court rendered a decision that they had a right to intervene and be heard in the case. The appeal hearing by these parties was then set for 12 October 2010.

On 12 October 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. Accordingly, the Court stated that:

On 9 December 2010, the remanded case was heard again in the Surgut City Court, this time 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 the 9 December 2010 decision of the Surgut City Court to the Khanty Mansiisk appeals court. This appeal was decided in the Church's favor on 1 February 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 government's banned list. These materials were then removed from the federal list of extremist materials in April 2011.

### **2. Criminal Investigation and Discriminatory Raid under the Extremist Law Against the Church of Scientology Moscow Management Center**

On 22 July 2010, nine days after the 13 July Appeals Court decision reopening the Surgut City Court case to allow Scientology parties to challenge the *ex parte* Extremism Order, a criminal investigation was opened up under the Extremism Law against the Management Center for Scientology Dissemination in Russian and the Commonwealth of Independent States, known as

OTL (hereafter "OTL") based on the inclusion of the 29 items of Scientology Scripture placed on the MOJ banned list. OTL is situated in the Moscow Region.

Early in the morning on 4 August 2010, 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, and police from the Moscow regional station broke into the OTL by physically attacking a watchman and forcing him to open the door to the dormitory. Some of the assault team were also armed with sledge hammers and crow bars. The assault also included destructively breaking windows and doors to enter the building and to force entry into each room. The raid lasted 13 hours – from 8 am until 9 pm – resulting in substantial destruction throughout the OTL.

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 one was stamped on by a boot wearing OMON police officer, requiring his going to the hospital. The majority of the police officers were extremely antagonistic. They continuously screamed epithets and swore at Church members when they broke into the dormitory and when they were herded into other rooms, personally insulting them by calling them "sect members" and yelling that they were "zombies", "hypnotized" and similar slurs. One person shouted "burn them to hell".

The police also continuously insulted individuals religious association and beliefs, deriding them for "being in a sect", inquiring why they were "zombied here in this sect" insulting their religion and their beliefs and insulting Scientology Founder L. Ron Hubbard. When one staff member insisted she was not a foreigner, an officer replied that he "did not believe her because Scientologists "are Satanists".

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– there were approximately Church 100 staff members present – 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, including:

- 1000 Rubles missing from a wallet on a shelf
- A stolen personal notebook and 200 Rubles from a purse
- An expensive lighter
- A personal digital camera
- An MP3 player
- Gold jewelry (a cross, a wedding ring, and a pair of earrings)
- 300 Rubles with the jewelry
- An MP3 flash player
- A cell phone with its charger,
- Numerous bottles and boxes of vitamins
- Personal notebooks, photos and videos
- A Ledfort watch which cost about 3,000 rubles
- A digital camera Pentax Optic A20 10 mpix
- Money in a wallet (350-400 rubles)
- Mobile phone LG FM Radio with Beline SIM card
- A Bicycle pump and inner tube

Church members witnessed police taking similar personal items from Church administrative offices. When individual members later discovered that these items had been stolen and confronted the officers, some bragged to Church members "prove that we were there", others denied that they any police even searched the dormitory – an outright lie as everything in the dormitory was left in disarray– and other officers just smiled at them. Staff members witnessed OMON officers taking and riding staff bicycles. One took a picture with a phone; the person was sworn at and the picture destroyed.

During the search, the approximately 100 staff members were detained in very hot rooms (the temperature outside was over 35 degrees Celsius and in the room it was much hotter). Two staff members lost consciousness and one vomited. 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. Each person's passport and personnel data were taken and they were told that they would be interrogated but the staff refused to do so without an attorney present. They were then threatened with arrest.

Some staff did get 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. Article 18 of the International Covenant on Civil and Political Rights not only protects the right to freedom of religion, it also states that this right "*shall include freedom to have or adopt a religion or belief of his choice...*" This right to change one's religion is emphasized by the UN Human Rights Committee in its General Comment 22 on the scope and interpretation of Article 18. Yet, the police officers were focusing on this right to accuse and interrogate Church members during the 13 hour raid.

Computers and hard drives of computers were seized throughout the building. Approximately 63 computer hard drives were seized from the premises. In addition, many boxes of documents were seized. The entire building was left in disarray, with documents thrown everywhere and doors and windows destroyed and broken.

The police and investigators justified the raid by stating that Scientology material is on the federal list of the MOJ as extremist and banned; they seized copies of these materials which were the personal property of Church members in the OTL. The police were informed that this is false and provided with the 13 July 2010 court ruling demonstrating that the Surgut case was not final and the Scientology Scriptures were improperly and illegally on the MOJ list but the officials responded that the MOJ "cannot be wrong".

The MOJ subsequently removed these items from the federal list of banned materials when the Court of Appeals reversed the Surgut City Court and the City Court then held a hearing in April 2011 and ordered that the MOJ remove the Scientology materials from the federal list.

Subsequent to this raid, not only staff but family members of Scientologists have been called in and subject to interrogation by the prosecutor. 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. Invariably, the first question asked by an investigator to these family members is "are you aware that your [son/daughter/mother/father/sister/brother] is a member of an extremist group?" The questions asked by the prosecutor to relatives have been uniformly negative and offensive. For example:

- How can you describe the behavior of your mother/father/relative to the members of your family?
- Did your mother/father/relative divorce because of Scientology?
- Can you say or describe if the mother/father/relative negatively influenced your family or not?
- What negative changes happen after your mother started to study the Scientology?

The entire purpose of such interrogation is to attempt to drive a wedge between family members and the Scientology parishioner; these efforts by the government have been resoundingly unsuccessful, with some family members filing complaints against their treatment by the prosecutor.

The tactics used in this raid and the attitude of the officials involved in the raid evidence a deep bias against minority religious faiths and contempt for an individual's right to freedom of religion or belief.

### **3. OTL Extremism Decision Censoring Scientology Scriptures**

Subsequent to the OTL raid, at the end of 2010, the Prosecutor for the Schelkovo District in Moscow (where OTL is located) filed an application to label four volumes of Scientology administrative policy, Scientology course packs, and the book *What is Scientology?* as "extremist" literature.

This was rushed to judgment without affording the OTL proper due process and without substantial evidence requested by OTL in defiance of the Rule of Law. On June 29, 2011 the Shchelkovo City Court of the Moscow Region issued a decision finding these materials to be "extremist" even though they have been read and used by millions around the world in 165 countries (the older materials for many decades) without any censorship or any claim that they somehow constitute "hate speech".

OTL has appealed this decision and the appeal is pending.

### **4. Chelny Extremist Decision Censoring Scientology Scriptures**

On 24 August 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.

The case proceeded without any participation or knowledge by the Church. And like the Surgut case, the hearing when the decision was rendered took place with no Church representation and the decision was only made public after the normal 10-day period for filing an appeal was past.

The Church first learned of the decision when a media article was published on 7 September regarding the case.

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.

## **5. Scientology Scriptures and Books Seized: Religious Censorship in Violation of the Right to Religious Freedom and Freedom of Expression**

The books and lecture series seized and declared "extremist" comprise Scientology courses, information books regarding Scientology and some of the basic Scriptures created by Scientology Founder L. Ron Hubbard on the Scientology religion.

In all this time, the Church has never encountered any claim that these materials have anything to do with "extremism" or "hate speech". No publisher, distributor or seller of these materials has ever claimed that they are "extremist" or constitute "hate speech". Until these cases were filed in Russia, no cases have ever been filed claiming that these materials should be censored as somehow "extremist".

It defies credulity, based on these figures, for a Court to suddenly claim that these Scriptures are somehow "extremist" when they have been widely published and read throughout the world by millions for as long as 60 years. A more egregious suppression of freedom of expression and religion is hard to imagine.

Moreover, expertises on the Scientology Scriptures conducted by neutral and objective academics and scientists in Russia and in other countries have come to the considered conclusion that these Scriptures are religious in nature and do not constitute "extremist literature" as that term is defined in the Extremism Law.

These rulings are absurd and represents blatant religious discrimination and religious censorship in contravention of OSCE Accords on religious freedom, the right to religious freedom protected by Article 9 of the European Human Rights Convention and by Article 18 of the International Covenant on Civil and Political Rights, and the right to freedom of expression protected by Article 10 of the Convention and Article 19 of the Covenant.

The government is using the Extremism law as a weapon to target peaceful and lawful religious communities in order to suppress these communities and their religious mission. This conduct defies Russia's international human rights obligations and strips away fundamental freedoms for religious minorities.

## **6. Refusal to Register Scientology Religious Organizations as Required by Law and Retaliation Against these Organizations through Application of Extremism Law**

Scientology Churches and Missions have been refused the right to register as religious organizations under the 1997 Russian Federation law "On Freedom of Conscience and Associations." The Religion Law requires religious groups to have at least a 15-year presence in the country to be eligible to register as religious organizations. Scientology Churches have been

refused registration under the 15-year rule of the Religion Law and, in the case of the Moscow Scientology Church, pursuant to arbitrary and discriminatory rulings designed to bar any registration of Scientology religious groups under the Religion Law. Three Churches of Scientology have successfully challenged this discrimination in the European Human Rights Court.

In 2007, the Human Rights Court in the case entitled *Church of Scientology Moscow v. Russia* (application no. 18147/02), overturned the Moscow City government's refusal to register the Church of Scientology of Moscow as a religious organization. The Court found that Russia had violated the rights of the Church of Scientology under ECHR Articles 11 (the right to freedom of association) "read in the light of Article 9" (the right to freedom of religion), when it refused to re-register the Church of Scientology Moscow.

Specifically, the Human Rights Court determined that, in denying registration to the Church of Scientology of Moscow, the Moscow authorities "did not act in good faith and neglected their duty of neutrality and impartiality vis-a-vis the applicant's religious community." The Court also awarded the Church 10,000 Euros in respect of non-pecuniary damage and 15,000 Euros for costs and expenses.

Despite this decision, the Russian government has refused to re-register the Moscow Church. In light of the government's bad faith in complying with the Church of Scientology Moscow ECHR decision, the Moscow Church has filed submissions with the Committee of Ministers Subcommittee on Execution of Human Rights Court Decisions in the Council of Europe, requesting that the Council direct Russia to comply with the Moscow Scientology final decision. This request is pending.

Subsequent to this ruling, as described above, officials from the Moscow City and the Moscow region opened an "extremism" investigation against the Management Center for Scientology Dissemination in Russian and the Commonwealth of Independent States, known as OTL (hereafter "OTL") in Moscow, subjecting the organization and its personnel to an abusive raid.

In October 2009, the European Court of Human Rights found that the refusal to register Scientology Churches in Surgut (Siberia) and Nizhnekamsk (Tatarstan) as religious organizations because they had not existed for 15 years as required by the 1997 Religion Law violated the rights of the applicants, in particular, violation of the provisions of Article 9 of the Convention (freedom of religion) in the light of Article 11 (freedom of association). The Court found that "the restricted status afforded to religious groups under the Religion Act did not allow members of such a group to enjoy effectively their right to freedom of religion, rendering such a right illusory and theoretical rather than practical and effective, as required by the Convention". The two organizations were awarded 20,000 € in costs and damages.

This ruling became final on 1 March 2010. Rather than registering the Surgut Church as a religious organization as required by the Human Rights Court, the Russian government instead manufactured an assault on the Surgut religious association and its founders by seizing all the basic Scientology Scriptures sent to them and declaring these Scriptures as "extremist" in the secret, *ex parte* hearing held 25 days after the ruling of the Human Rights Court became final and binding on the Russian Federation. It took the Church until April 2011 to get these basic Scientology Scriptures off of the federal extremist materials list.

Likewise, a secret "extremism" case was brought by the Prosecutor in the Tatarstan region in 2011 after the Nizhnekamsk Church of Scientology prevailed in the European Human Rights Court.



The Church of Scientology of St. Petersburg also filed an action in the European Court of Human Rights in November 2006 against the Russian Federation challenging the refusal to register it as a religious organization because of the 15 Year Rule. This case remains pending before the Court.

Shortly after the ruling of the Surgut City Court, and well before anyone associated with Scientology had received a copy of the Surgut City ruling, the Prosecutor in St. Petersburg contacted the St. Petersburg religious organization and provided a verbal "warning" to cease and desist distribution and use of the materials deemed extremist by the Surgut City Court. In addition, an action in St. Petersburg was brought under the Extremism law against a Scientology-related organization, Citizens Commission for Human Rights, claiming that certain of its materials were "extremist". This case is currently pending.

There should be no question that these actions have been taken in retaliation for the Church of Scientology filing actions and prevailing in the Human Rights Court.

## **Conclusion**

The Church of Scientology, Scientology parishioners and Scientology organizations have been the target of systematic religious repression and discrimination by Russian authorities in contravention of international human rights law which Russia is obliged to follow.

The right to religious freedom is in serious peril in Russia for religious minorities as the government continues to foster an atmosphere of intolerance and discrimination throughout the entire country against these targeted religious communities and their members.

International and legal standards mandate that religious minorities be treated fairly and without discrimination in the same way as other religions. Yet, Russia has contravened these standards through misapplication of the Extremism Law to censor religious materials, to arrest and detain believers for reading or disseminating Scriptures and to liquidate and close down places of worship for targeted religious faiths. Such oppressive measures have no place in a democratic society.