

1. Ahead of the Universal Periodic Review of the Russian Federation by the UN Human Rights Council in April/May 2013, Forum 18 News Service has found a significant worsening of the country's record on freedom of thought, conscience and belief compared to the previous review in February 2009. In the 2009 UPR review, the Russian government made barely any acknowledgment of any violations of the right to freedom of thought, conscience and belief, while many of the systemic violations have emerged since then.

2. The most threatening development for freedom of religion or belief is the use of Russia's 2002 Extremism Law against those with views the authorities dislike – especially Muslims who study the works of Said Nursi, and Jehovah's Witnesses. Moreover, the state's treatment of certain groups within Orthodoxy, Islam, Judaism and Buddhism as the nation's privileged "traditional religions" – to the exclusion of others – is now routine. This is seen in school education, the military and the ability to meet for worship.

Unequal treatment

3. State-favoured organisations within the four faiths of Orthodoxy, Islam, Judaism and Buddhism are commonly treated as the nation's privileged "traditional religions". The 1997 Religion Law's preamble states that respect should be accorded firstly to Orthodoxy, secondly to Islam, Judaism, Buddhism and Christianity (oddly implying Orthodoxy to be different from Christianity). While there is no legal mechanism for according respect, that preamble has come to set the tone in religious affairs. Some state representatives interpret it as a licence to repress disfavoured groups, particularly at regional level.

Bureaucratic obstruction

4. Localised bureaucratic obstruction of disfavoured faiths is widespread. Fines for holding religious meetings in private homes or at privately rented premises are becoming more frequent. A strict interpretation of Russian law would require organisers of communal worship to notify the authorities in advance, as for political demonstrations. Fines under Administrative Code Article 20.2 were until June 2012 small, up to the equivalent of almost two weeks' minimum wage (2,000 Roubles). However, they were then massively increased up to a maximum of 1 million Roubles. Pentecostal Pastor Aleksandr Kravchenko was the first person known to have been punished for religious activity under the higher penalties. Convicted for leading worship in the same rented hall in Maikop his church had used for two years, he was fined 10,000 Roubles in August 2012.

5. Courts usually apply this strict interpretation of the law against Jehovah's Witnesses and Protestants. Jehovah's Witnesses reported 22 administrative convictions for failing to notify local state authorities in advance of group worship in 2010-11 (40 per cent of administrative prosecutions against them). The punishments came even as courts elsewhere ruled that worship is not subject to the Demonstrations Law, illustrating local officials' ability to act as they please with regard to religious freedom.

6. Allegations of damaging health and illegal educational activity occur. In 2012 Kurgan region's health departments warned that local Baptists plan to practise mind control. Khabarovsk's regional public prosecutor sought to dissolve Grace Pentecostal Church as a "destructive organisation". In 2010 a Baptist church in Rostov region was fined 1,000 Roubles for allegedly conducting unlicensed educational activity by organising a children's Bible club.

7. Insecurity over religious property ownership affects many faiths. Favoured religious communities (primarily the Russian Orthodox) appear to face few problems retaining, regaining or acquiring places of worship. Other faiths are often prevented from retaining or acquiring property. Moscow has just four mosques, despite many attempts to build more. Protestant churches have been destroyed – including a Pentecostal Church on the outskirts of Moscow bulldozed in September 2012.

North Caucasus

8. The imposition of various forms of Islam by officials or Islamist insurgents (depending upon locality) results in far less religious freedom in the North Caucasus than elsewhere in Russia.

9. In Chechnya, Islam is both promoted and controlled more than religion or belief elsewhere in Russia. In 2010 republican President Ramzan Kadyrov effected the appointment for life of his appointee chief mufti, as well as religious instruction in secondary schools by the sole, state-sponsored Muslim board. A campaign from early 2009 obliges Chechnya's female public sector employees to wear headscarves. The Kremlin has not criticised these developments.

10. For Protestants - the main religious minority in the North Caucasus – sharing beliefs is extremely hazardous, particularly by or among those belonging to "traditionally Muslim" ethnicities. Islamist reprisals are likely. Pastor Artur Suleimanov of Hosanna Pentecostal Church was assassinated in Makhachkala in 2010.

Extremism Law concerns

11. Two provisions of the 2002 Extremism Law are typically used to criminalise legitimate religious activity. Prosecutors interpret one definition of extremism – "propaganda of the exclusivity, superiority or lack of equal worth of an individual on the basis of their .. religious .. adherence or attitude to religion" – as covering claims that a particular religion or belief is superior to others. However, the right to make such claims is a fundamental part of the internationally recognised right to freedom of religion or belief.

12. Prosecutors may also insist that such claims fall foul of a second definition of extremism in the Law - "incitement .. of religious discord". The Russian word for discord [rozn] has a broad definition – it may mean simply division. Yet judges ignore the discrepancy between this term and the far stricter corresponding wording of the Criminal Code – "actions directed at the incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of an individual or group of persons on the basis of .. attitude to religion" (Article 282). The Code may consequently be used to prosecute simple disagreement. When committed by an ordinary member of the public, and even if unaccompanied by violence or the threat of violence, the maximum punishment under Article 282 is two years' imprisonment.

13. The 2002 Law's main mechanism for prosecuting the "offence" of criticising a religion or belief is the designation of literature containing such criticisms as extremist. Even a low-level court may issue such a ruling. If not successfully challenged, this results in placement of the offending literature on the Federal List of Extremist Materials. Once on the List, distribution is banned throughout Russia and punishable. Religious organisations associated with particular titles may also be ruled extremist. Their members are then liable to prosecution under two articles of the Criminal Code concerning organisation of extremist activity (Articles 282.1 and 282.2). The harshest punishment these articles allow is six years' imprisonment.

Books banned

14. The Federal List, initiated by the Justice Ministry in 2007, contained 1,460 entries by early October 2012. These include books and other printed matter, and electronic materials such as image files, videos and websites. This figure is not exhaustive, however. A few entries appear twice, some are blank where titles have been excluded, and others list multiple items.

15. For many items there is a defensible justification for inclusion on the List: their titles suggest white supremacist and/or ultranationalist content. Some of the Islamic authors listed, such as Sayyid Qutb and Abu Ala Maududi, promoted violence. But the justification for including other items

is doubtful. For example, two texts on the list argue for peace and respect for human rights: Muslim theologian Muhammad ali Al-Hashimi's "The Personality of a Muslim"; and the Chinese spiritual movement Falun Gong's leaflet "Global Human Rights Torch Relay". Prosecutors have targeted religious groups whose beliefs do not encourage violence. Their efforts are now directed against two: readers of the works of the late Turkish Islamic theologian Said Nursi, and Jehovah's Witnesses. As of early October 2012, 22 Russian translations of works by Nursi and 69 Jehovah's Witness titles were on the Federal List. (Banned by different courts, a few of these titles appear on the List twice.)

16. In 2011 prosecutors in Tomsk unsuccessfully tried to have the Russian translation of the "Bhagavad-Gita As it Is" – a key text for Hare Krishna devotees – ruled extremist. The case was dismissed in March 2012 following fierce criticism in India. Russia's ambassador to India even described officials who initiated the case as "madmen".

Nursi readers

17. The first significant ruling in the campaign against Nursi readers was a 2007 Moscow court decision declaring extremist Russian translations of 14 parts of Nursi's Koranic commentary, "Risale-i Nur" [Messages of Light]. This decision relied solely upon linguistic textual analysis. It ignored criticism from Russia's Human Rights Ombudsperson, Vladimir Lukin.

18. In 2008 Russia's Supreme Court banned Nurdzhular – a russification of the Turkish for "Nursi followers" - as an extremist organisation, although Russian Nursi readers have repeatedly insisted that no such organisation exists. Raids by the FSB security service and riot police on Nursi readers' homes in disparate parts of Russia began in 2009. By early October 2012, five Nursi readers have received prison terms of up to 18 months as alleged Nurdzhular members; five others have received suspended prison sentences.

19. As of early October 2012, seven more alleged Nurdzhular members are known to be on trial or under criminal investigation. In Kaliningrad, the FSB sought to secure a conviction using enforced psychiatric examination. Websites featuring Nursi writings are blocked in several regions.

20. In a decision that could widen potential targets for arrest, 68 Muslim texts were ruled extremist by a court in Orenburg region in March 2012, and added to the Federal List in July. They included three further Nursi titles, assorted Sufi writings, and collections of hadiths [sayings of the Prophet Mohammed]. The ruling was issued partly on the basis of analysis by an Orthodox Christian, now a priest, whose website on Islam was itself investigated for extremism in 2008. The Council of Muftis – a major Russian Muslim organisation - called the Orenburg ruling an "attempt to revive total ideological control" in Russia.

Jehovah's Witnesses

21. Hostility towards Jehovah's Witnesses, the second religious group most commonly targeted in Russia's counter-extremism drive, has more identifiable roots. The Moscow Patriarchate is very hostile towards them. No evidence of a direct link exists, but the first phase of the state's sweeping campaign against Jehovah's Witnesses – 500 raids on communities across Russia – began days after current Orthodox Patriarch Kirill's 2009 enthronement. In Kemerovo and Sverdlovsk regions, officials have requested analyses of Jehovah's Witness beliefs from Patriarchate dioceses, and prosecutors commonly enlist Patriarchate clergy as prosecution witnesses in related extremism trials.

22. In September 2009 a "counter-extremism" case launched on the back of one of the 500 February raids resulted in a court in Rostov region ruling 34 Jehovah's Witness publications extremist, as well as a ban on the Jehovah's Witness organisation in Taganrog. The court relied upon doubtful expert analysis that considered extremist references to traditional Christianity as a "false religion" and citation of Leo Tolstoy's criticism of Orthodoxy. Russia's Supreme Court upheld the ruling in

December 2009. Courts in other regions have since designated further Jehovah's Witness titles extremist.

23. In 2010, pensioner Aleksei Fedorin of Rostov region became the first Jehovah's Witness in post-Soviet Russia to be convicted for distributing their religious literature. As this was a lesser, administrative prosecution, Fedorin was punished with a small fine: it was left to prosecutors to decide whether to pursue "production or distribution of extremist materials" under the Code of Administrative Offences (Article 20.29) or to prosecute under the Criminal Code.

24. The first post-Soviet criminal trial of a Jehovah's Witness for allegedly distributing extremist literature began later in 2010 against a congregation leader, Aleksandr Kalistratov, in southern Siberia. Convicted in November 2011, Kalistratov successfully appealed and was acquitted in December 2011, two years after the case against him was launched. Even without a final conviction, the long-running nature of such "extremism"-related cases can itself prove a form of punishment.

25. After a seven-month trial in Mari El, Jehovah's Witness Maksim Kalinin was acquitted in July 2012 (prosecutors have appealed). However, the same month two other Jehovah's Witnesses, Andrei and Lyutsia Raitin, were each given 200 hours' community service. In Astrakhan region, large portions of a key analysis in the continuing trial against Yelena Grigoryeva were found to have been copied from anti-"sect" websites, yet the judge refused to reject this analysis as inadmissible evidence.

26. While some local administrations are more active than others, state-sponsored moves against Jehovah's Witnesses have occurred in 80 per cent of Russia's 83 regions. In 2011 alone, the Jehovah's Witnesses reported 266 detentions, police raids and new administrative cases. Since late 2011, courts in numerous regions have blocked access to Jehovah's Witness websites.

"Counter-extremism" drive unchecked

27. The state campaign against Jehovah's Witnesses shows no sign of abating. In May 2012 raids took place on at least 16 of their homes and places of worship in Orenburg region. Numerous further criminal investigations against individual Jehovah's Witnesses have yet to reach court. May 2012 charges against 17 members of the outlawed Taganrog community are particularly significant, as participation in a banned extremist organisation is easier to prosecute than distribution of extremist literature. Two of five Jehovah's Witnesses facing criminal prosecution in Chuvashia were held in detention from 26 July 2012 to 10 September 2012.

28. In June 2011 Russia's Supreme Court issued an instruction seeking to soften implementation of the 2002 Extremism Law. Positively, it recommended that criticism of religious associations, convictions and customs "in and of itself should not be considered as action directed at inciting hatred or enmity". In its June 2012 critique of the 2002 Law, the Council of Europe's Venice Commission further pointed out that, since the European Court of Human Rights protects "the freedom of the members of any religious community or church to 'try to convince' other people through 'teachings' (..) only manifestations of this freedom can be limited, but not the teachings themselves."

29. Such warnings are having almost no impact, however. Pursuit of "extremism" appears unlikely to stop with Muslim readers of Nursi's works and Jehovah's Witnesses. Other groups widely regarded as "non-traditional" or "sects" have been targeted occasionally, if so far not convicted. From June 2008 onwards law enforcement agents detained, investigated or warned Baptists, Hare Krishna devotees, Lutherans and Pentecostals in connection with extremism.

Securitisation of religion

30. The FSB security service is prominent in "counter-extremism" moves against religious believers. Its officers are actively involved in most prosecutions, even purchasing a copy of the

"Bhagavad-Gita As it Is" at a local shop in the Tomsk case. Often, the approach of law enforcement agents is heavy-handed, with rough treatment by riot police. Some of the May 2012 raids on Jehovah's Witnesses in Orenburg region involved masked spetsnaz officers (normally tasked with roles such as counter-terrorism), including 12 who conducted a 15-hour raid on an elderly couple in poor health.

31. Following raids on Jehovah's Witnesses in Taganrog, a local FSB officer told Forum 18 in March 2012 that the FSB counters "terrorism and extremism". The 2002 Law's definition of extremism is so broad that it allows legitimate religious activity to enter the brief of the security agencies. Lying behind this is an attitude common within the state, Orthodox Church and society that even non-violent manifestations of "non-traditional" religious belief is a threat to the nation, and therefore national security.

32. The imprisonment on hooliganism charges of members of punk group Pussy Riot for an impromptu February 2012 performance inside Moscow's Christ the Saviour Cathedral was not a specifically religious freedom issue. But the state labelled the performance as motivated by "religious hatred and enmity" in the May 2012 police indictment against a Pussy Riot member. The indictment was notable for its equation of opposition to Orthodox Christianity with criminal activity. It accuses the group of "opposing the Orthodox world", "attempting to devalue church (..) dogma treasured and revered for centuries" and even "disparaging the spiritual foundations of the state".

“Anti-extremism” in the North Caucasus

33. In the North Caucasus the state's "counter-extremism" strategy is far cruder than elsewhere in Russia. In the republics of Chechnya and Dagestan in particular, those dubbed "Wahhabis" [Muslims adhering to a purist form of Islam critical of Sufism] - and sometimes men merely with a devout Muslim appearance - may be detained as extremists by the law enforcement agencies. Local residents report that they are frequently tortured, and in some cases disappear, allegations very occasionally confirmed by state officials.

34. The state's crude response to violent Islamist attacks only fuels local support for Islamists, resulting in a climate of fear in which religious freedom is severely limited.

Criticism of religion punishable?

35. So far, only a small proportion of investigations into alleged religious "extremism" have resulted in harsh criminal prosecutions. This suggests that on some level law enforcement agents are aware their targets pose little danger to state security. Yet the proliferation of such cases - particularly since 2007 - points to the growth of the idea that criticism of one religion by adherents of another is a punishable offence. This idea is not challenged by state officials, who are usually anxious to contain opposition of all kinds in order to secure their own positions. (END)