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USCIRF Annual Report 2011 - The Commission's Watch List: Russian Federation

[Covers April 1, 2010 to March 31, 2011]

FINDINGS: Religious freedom conditions in Russia continue to deteriorate. 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. High levels of xenophobia and intolerance, including anti-Semitism, have resulted in violent and sometimes lethal hate crimes. Despite increased prosecution for these acts, the Russian government has failed to address these issues consistently or effectively.

Based on these concerns, USCIRF again places 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.

The reporting period witnessed an increased use in extremism-related accusations, with readers of the works of Turkish theologian Said Nursi and Jehovah's Witnesses repeatedly charged. Muslims. 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. Although Moscow police officials stepped up arrests and prosecutions in 2010, most other regions lagged behind.

PRIORITY RECOMMENDATIONS: As part of the "reset" of bilateral relations, freedom of religion or belief should be an important human rights and security concern in the U.S.-Russia relationship. Although Russia does face genuine domestic security concerns, as evidenced by numerous bombings in the North Caucasus and the Moscow region, the United States should press Russia to reform its overly broad law on extremism and ensure it is not used against peaceful religious communities. The United States should implement the "Smith Amendment" of the 2010 Consolidated Appropriations Act to prohibit U.S. financial assistance to the Russian Federation government due to its official policies on religious groups, particularly its wide use and abuse of the extremism law. The U.S. government also should institute a visa ban and freeze the assets of Chechen leader Ramzan Kadyrov due to his continued gross human rights violations and alleged

links to politically-motivated killings, and urge its European partners to do the same. U.S.-funded exchange programs should include participants from Russian regions with sizeable Muslim and other religious minority populations. In addition, the United States should initiate International Visitor's Programs for Russian officials on the prevention and prosecution of hate crimes. Additional recommendations for U.S. policy toward Russia can be found at the end of this chapter.

Religious Freedom Conditions

Overall Human Rights Climate

In recent years, Russia has steadily retreated from democratic reform, endangering post-Soviet human rights gains, including progress on freedom of religion or belief. This general retreat encompasses religious freedom and related human rights, as well as increased limitations on the media, political parties, and non-governmental organizations (NGOs); concerted harassment of human rights activists and organizations; legal restrictions on freedom of assembly, and constraints on popular referenda. Increasingly, Russian journalists, lawyers and others who defend human rights – particularly those who seek to bring violations to international attention – have been subjected to brazen killings and attacks, with the perpetrators acting with impunity. Moreover, Moscow has opposed international efforts to highlight these serious problems by terming such inquiries "meddling" or "interference in internal affairs." This sharp deterioration in the human rights climate appears directly linked to the Russian government's increasing authoritarian stance as well as the growing influence of violent chauvinistic or extremist groups in Russian society.

Within this climate, government respect for the freedom of religion or belief varies widely over the vast Russian Federation. The legal rights of a particular religious community often depend on its relationship with individual officials. Russia's weak judicial system, inconsistent adherence to the rule of law, and local officials' personal views and arbitrary decisions have also contributed to chronic problems for the country's diverse religious communities.

Cases against Russia represent the second largest number of cases at the European Court of Human Rights (ECtHR). In February 2010, the Russian Constitutional Court called on the Russian parliament to amend the Civil Procedural Code so that a ECtHR decision would be considered a "newly discovered circumstance" that would require a Russian court to re-examine a previously-decided civil case. This change, if made, would be significant, because historically the Russian government has paid compensation in line with ECtHR decisions, but not undertaken reforms.

Application of Extremism Law

As is the case in many countries, the Russian government faces difficult challenges in addressing acts of terrorism that claim a religious linkage, while also protecting the freedom of religion or belief and other human rights. The post-Soviet revival of Islam, along with the ongoing violence in the North Caucasus, compound difficulties for Russian government policies toward its estimated 20 million Muslims, the country's second largest religious community. As the January 2011 terrorist attack at Moscow's Domodedovo airport makes clear, Russia does face security threats from groups which advocate or perpetrate violence in the name of religion, particularly related to escalating violence often connected to Islamist radicals in the North Caucasus. Nevertheless, the Russian government's broad-brush approach to this situation is problematic, due to its arbitrary application of vague anti-extremism laws against religious adherents and others who pose no credible threat to security.

Russia's vague 2002 Extremism Law defines extremist activity broadly in a religious context by referring to "propaganda of the exclusivity, superiority or inferiority of citizens according to their attitude towards religion or religious affiliation; incitement of religious hatred; obstruction of the lawful activity of religious associations accompanied by violence or the threat of violence; committing a crime motivated by religious hatred." In 2006, the legal definition of extremism was expanded to encompass "violation of the rights and freedoms of the person and citizen" and "harm to the health or property of citizens in connection with their beliefs." In 2007, the definition of extremism was

further expanded to include the "obstruction of the lawful activity (...) of social, religious or other organizations" without requiring that these alleged obstructions involve the threat or the use of violence. Moreover, individuals who are alleged to have defended or even expressed sympathy with individuals charged with extremism were also made criminally liable to charges of extremism.

The Extremism Law empowers the Procurator-General to file a suit after one warning against private organizations, including religious ones, for alleged extremist activity, which could include the exercise of basic religious freedom rights such as claiming religious exclusivity. If the organization does not correct the alleged violation within two months after the warning, the Procurator-General can seek to close the organization.

The Extremism Law has been used repeatedly by Russian courts to rule religious literature extremist. Once such a ruling is made, the text is automatically added to the Justice Ministry's Federal List of Extremist Materials and is banned throughout Russia. The list was established in July 2007 with 14 titles; as of March 2011, there were 808 titles, including books, journals, recordings, and films. Thirty-two of these titles remain on the list despite higher court rulings against their inclusion. Islamic materials constitute most of the religious texts, including books recommended by the officially-approved Council of Muftis (which the chair of the Council of Muftis has protested repeatedly). Jehovah's Witnesses' publications were added in 2009. Although the Extremism Law does not prohibit private ownership of such material, the Russian police have interpreted it in this fashion. The mass distribution, preparation, or storage of titles banned as extremist may also result in prosecution under Criminal Code Article 282 ("incitement of ethnic, racial or religious hatred"), with potential penalties ranging from a fine to five years in prison. Violators may also be prosecuted under Article 20.29 of the Administrative Violations Code ("production and distribution of extremist material"), with penalties ranging from a fine to a 15-day term of detention.

- *Application of the Extremism Law against Muslims*

Human rights groups report that in the North Caucasus, but increasingly in other areas of Russia, Muslims viewed as "overly observant" have been killed, "disappeared", or arrested on vague official accusations of alleged religious extremism or for displaying sympathies to Islamist militancy. Hundreds of Russian Muslims have reportedly been imprisoned on the basis of planted evidence, including banned religious literature, drugs, or weapons. Persons suspected of involvement with Muslim extremist groups have reportedly been subjected to torture and ill-treatment in pretrial detention, prisons, and labor camps. Amnesty International has claimed that the Russian Internal Ministry's Center for Extremism Prevention (known as Center "E") engages in torture to extract confessions from suspects.

In 2003, the Russian Supreme Court banned 15 Muslim groups, including al-Qaeda, Hizb-ut-Tahrir, the Muslim Brotherhood, the Taliban, and Lashkar-i-Taiba as well as the Congress of Peoples of Ichkeria and Dagestan and the United Force of Caucasian Mujahideen, for their alleged ties to international terrorism. However, the official government newspaper *Rossiiskaya gazeta* did not publish a list of the terrorist-designated organizations drawn up by the Federal Security Service (FSB) until July 2006 – a necessary step to give the ruling legal force. In 2006, the Russian Supreme Court added the Islamic Jihad Group and Jund-al-Sham (Soldiers of the Levant) to the list of banned terrorist groups. In 2009, the court also banned the *Tabligh Jamaat*, an Islamic missionary group with origins in South Asia. With a presence in 150 countries, its 12 to 80 million followers emphasize prayer and preaching. The State Department, the International Crisis Group, and Stratfor, among others, describe *Tabligh Jamaat* as a non-political, non-violent movement that stresses the strict practice of individual piety. Some former members, who reportedly left the movement in frustration with its apolitical stance, have attempted acts of violence. Human rights groups, such as "Memorial," are concerned that these bans have provided justification for arbitrary detentions, convictions, and imprisonment of hundreds of individuals for unproven ties to the banned groups. Muslims have also claimed that they were beaten or tortured by police in order to force them to testify against other suspects.

In 2007, a Russian court banned as extremist the Russian translations of fourteen parts of Risale-i Nur (Messages of Light), Turkish theologian's Said Nursi's commentaries on the

Koran and Islam, on the grounds that they advocate "the exclusivity of the Islamic religious faith." In 2008, the Russian Supreme Court banned "Nurdzhular" – alleged groups of Nursi's followers – as an extremist organization, despite serious questions about whether such groups even exist. Since 2007, there have been dozens of police raids throughout Russia of individuals suspected of reading or owning Nursi's works. Authorities have initiated criminal charges against some individuals, and one has been convicted. In August 2010, Ilham Islamli was convicted of extremism for publishing Nursi's work on his website; he was sentenced to ten months' detention, suspended for one year. Criminal charges are pending against four Nursi readers – Aleksei Gerasimov, Fizuli Askarov, Yevgeny Petry, and Andrei Dedkov – and carry a maximum penalty of three years' imprisonment.

The Russian government also has equated the practice of Islam outside of government-approved structures with extremism and even terrorism. In a 2008 joint order, the Russian Federal Security Service (FSB), Procuracy General, and Ministry of Internal Affairs accused "Muslim communities and preachers independent of the officially-approved Muslim Spiritual Directorates (MSDs)" of "extremism under cover of Islam." The director of the Interior Ministry's Department for Extremism Prevention has said that young Muslims who do not participate in the official MSDs thereby "transformed themselves" into anti-government militants. In several reported cases, Muslims in Tatarstan have been sentenced for alleged religious extremism for teaching texts that were not MSD-approved.

- *Application of the Extremism Law against Jehovah's Witnesses and Protestants*

In 2009, a city court in the Gorno-Altai republic ruled 16 Jehovah's Witness publications extremist. The same year, the Russian Supreme Court upheld a lower court decision liquidating the Jehovah's Witness congregation in the city of Taganrog, partly on the grounds that 34 of its texts are extremist. During the reporting period, numerous raids, detentions, and literature seizures have occurred against Jehovah's Witnesses throughout Russia.

In October 2010, for the first time, a Jehovah's Witness was put on trial on criminal charges of extremism. Aleksandr Kalistratov is still on trial in Gorno-Altai for "incitement of hatred or enmity, and humiliation of human dignity," and faces a maximum two-year term for allegedly ordering and distributing "extremist" literature between October 2008 and late 2009. Similar cases against individual Jehovah's Witnesses on charges of extremism are pending in Asbest (Sverdlovsk Region), Chelyabinsk, Kemerovo, Omsk, Salekhard (Yamalo-Nenets Autonomous Region), Tambov, Tula and Yoshkar-Ola (Mari El Republic).

In June 2010, the ECtHR rejected the Russian government's claims that the Jehovah's Witnesses destroy families and infringe the rights and freedoms of citizens. Authorities had used these charges to ban the Jehovah's Witness community in Moscow. The European court also found that the domestic court proceedings in that case were unduly protracted, violating the Jehovah's Witnesses' right to a fair trial.

In March 2011, the Interior Ministry's Department against Extremism sent letters to the Association of Evangelical Christian Churches in the Sakha Republic (Yakutia) requesting data on their pastors' finances, place of residence, the location of religious services, the size of congregations, the circulation of religious literature, the number of children who attend Sunday school, and any possible "instances of religiously motivated conscription avoidance."

The Official Distinction between Traditional and Non-Traditional Religions

Despite Russian constitutional provisions establishing a secular state with equal legal status for all religions and the 1997 religion law's declaration that all religions are equal under the law, that law's preface claims that only four religions – Russian Orthodoxy, Islam, Judaism, and Buddhism – have "traditional" status in the country. Based on this, Russian government officials and police during the reporting period continued to harass, discriminate, and make negative references about Protestant and other religious communities, such as Hare Krishnas and Jehovah's Witnesses, stressing their alien character and foreign funding and even implying espionage. Such statements contribute

to a climate of intolerance that has led to acts of discrimination, vandalism, and violent hate crimes against members of religious and other minorities.

The Moscow Patriarchate Russian Orthodox Church (MPROC) – which claims adherents among 60 percent of Russians and has a special role in Russian history and culture – receives *de facto* favored status among the four listed faiths. The MPROC has special arrangements with numerous government agencies and bodies, including with the Ministries of Education, Defense, Health, Internal Affairs, and Emergency Situations, to conduct religious education and provide spiritual counseling. Thus, the vast majority of religious facilities in Russian prisons are Russian Orthodox. But while the MPROC receives most Russian state support for religious groups, Islam, Buddhism, and Judaism can also benefit from government funding, as can other groups, including Old Believers in Moscow. Protestants and other minority religious communities do not receive state subsidies.

In 2009, the Russian government established state-funded military chaplains. As of early 2010, 200 MPROC clergy, but no known Muslim, Jewish, or Buddhist chaplains, had been appointed to Russian military units. Various Russian military units have adopted Russian Orthodox saints in official insignia and there are MPROC chapels on army bases. Reportedly, Russian authorities rarely allow Islamic services in the military and often deny Muslim conscripts time for daily prayers or alternatives to pork-based meals.

In November 2010, President Medvedev signed new legislation establishing a process for the return of property to religious communities that was confiscated during the Soviet period, including land, buildings and movable property, seized during the Soviet period and held by state or local authorities. According to the Institute of Religion and Law, thus far the Russian Orthodox Church has been given priority in the denationalization process, while Baptists, Catholics, Lutherans, and Jews have had fewer properties returned; the level of return of such property varies greatly from region to region.

President Medvedev has advocated Russian official policies that favor the MPROC, but many Russian government officials and sectors of society strongly oppose these policies as violating constitutional guarantees of secularism. Nevertheless, as a result of state policies that favor the MPROC, a wider range of religious communities, including Baptists and Buddhists, have suffered from official discrimination in 2010, such as more frequent denials of registration requests and refusals of permits to build houses of worship.

Legal Status Issues

Russia's 1997 Law on Freedom of Conscience is complex and contains numerous ambiguous provisions. The law defines three categories of religious communities with varying legal status and privileges: groups, local organizations, and centralized organizations. An unregistered "religious group" can hold worship services and teach religion to its members, but lacks legal status to open a bank account, own property, issue invitations to foreign guests, and publish literature; in theory, its individual members can rent or buy property, and invite guests to engage in religious instruction, and import religious material. A "religious organization" requires at least 10 citizen members to register, either as a centralized organization or as a local organization in existence for at least 15 years. Registered religious organizations can conduct activities denied to unregistered groups, including operating houses of worship and engaging in religious activities in prisons, public hospitals and the military. "Centralized religious organizations" are comprised of a minimum of three local registered organizations and can open local organizations without a waiting period.

Registered groups must re-register annually at both the national and local levels. Ministry of Justice officials reportedly ask certain groups, particularly Protestant churches and new religious organizations, for additional data such as passport details, personal addresses, financial documents, and information on the group's activities. The law empowers officials to bring court cases which may result in decisions to ban the activities of particular religious communities found to have violated Russian law.

In 2009, in a case brought by the Church of Scientology, the ECtHR found that the 15-year existence requirement for registration violated the European Convention on Human Rights' provisions on the freedoms of religion and association; the Russian government

continues to deny registration to the Scientologists. Moreover, the Russian Justice Ministry recently cited the 15-year criterion in appealing a June 2010 lower court ruling invalidating its refusal to register an Armenian Catholic parish, St. Gregory the Illuminator, in Moscow.

The 1997 law required all religious organizations previously registered under the more liberal 1990 law to re-register by December 31, 2000. This process, which involved simultaneous registration at both the federal and local levels, required considerable time, effort, and legal expense. Nevertheless, at the federal level, most religious organizations that applied have been registered by federal officials and the Russian Constitutional Court. Religious groups that have gone to court to overturn denials of registration have often been successful, but local administrative authorities have sometimes delayed or refused to implement these rulings.

The Salvation Army was finally re-registered in Moscow in 2009, as required by the Russian Constitutional Court in 2002 and the ECtHR in 2006. The Salvation Army case was the first case involving a religious community where the Russian state took the remedial action required by the ECtHR, rather than only paying compensation. The ECtHR decision also awarded the Jehovah's Witnesses more than US\$ 88,000 in damages and costs, which have yet to be paid.

Russia's 2006 NGO law, which also applies to religious communities, empowers the Ministry of Justice to interfere with NGO activities, examine their documents, attend their meetings with advance notice, and initiate court proceedings that may result in registration denials. NGOs also must submit detailed annual reports on their activities, governing bodies, and funding. After lobbying by the Russian Orthodox Church, the reporting requirements for religious groups under the NGO law were reduced in 2007, but these groups are still required to provide documentation of foreign donations, as well as the full names, addresses, and passport details of executive board members. In addition, if draft amendments to the Civil Code proposed in March 2011 are enacted, non-profit NGOs, including religious groups, would have to re-register and could be required to provide the government with financial documents to allow it to ascertain if their spending is in line with their charters.

Official Religious Affairs Agencies

Governmental mechanisms exist at the national, regional, and local levels to interact with religious communities and monitor implementation of the religion law. At the national level, there is a Presidential Council on Cooperation with Religious Associations, chaired by the Presidential Administration chief. This Council is comprised of Presidential Administration officials, academic specialists, and 22 representatives of traditional and major non-traditional communities, including Russian Orthodox, Orthodox Old Believers, Islamic, Jewish, Catholic, and Buddhist faiths. There also is a Governmental Commission for the Affairs of Religious Associations.

In 2009, the Ministry of Justice established two new federal bodies in this area: an Expert Religious Studies Council and a Council for the Expert Analysis of Religious Literature with Regard to Extremism.

The Expert Religious Studies Council has wide powers to recommend investigations of religious groups during the registration procedure, to assess if a registered community's activity is in accord with its charter, and to decide whether an organization, one of its members, or the literature it produces or distributes is extremist. There remains concern over this body's establishment, composition, and expansive mandate. Aleksandr Dvorkin, the Council's chairman, is Russia's most prominent "anti-cult" activist and lacks academic credentials as a religion specialist. His deputy, Roman Silantyev, has written numerous articles exhibiting intolerance on Islam. The Council's members include five individuals known for their "anti-cult" activities. However, the SOVA Center reported that in early 2010 the two Justice Ministry officials who were in charge of liaison with religious communities were fired and that by late 2010 the Council's activities were "frozen."

The Council for Expert Analysis of Religious Literature with Regard to Extremism is chaired by Vitaly Naumkin, a member of the Russian Academy of Sciences Oriental Institute, with his deputy, Aleksandr Zaluzhny, a professor in the national security

faculty at the Russian Academy of State Service. The Council's role is advisory; it has no authority to counteract court decisions finding literature extremist, although government officials have been instructed to take its findings into account.

There are religious affairs departments in the Office of the Federal Human Rights Ombudsman and its 89 regional offices which respond to complaints from religious and other communities, but these offices have limited authority. The Ombudsman protested the 2007 court ruling that deemed Said Nursi's writings extremist and asked the Supreme Court to review a lower court's 2009 ruling against Jehovah's Witnesses. The office also addressed religious freedom issues in its May 2010 annual report. The Ombudsman has opposed previous legislative attempts to restrict proselytism and opposed state confiscation of religious community property. The Ombudsman also has been critical of official classification of religious groups as "extremist," "sects," "totalitarian sects" or "destructive sects."

On the regional and local level, religious organizations interact with various authorities, including the sub-offices of some of the seven Plenipotentiary Presidential Representatives that address social and religious questions. In addition, regional administrations and many city administrations have appointed officials to interact with religious organizations.

Restrictions on Places of Worship

Building or renting worship space remains difficult for a number of religious communities, including Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints (Mormons), Pentecostal congregations, Orthodox groups that do not recognize the Moscow Patriarchate, Molokans, and Old Believer communities. Many of these groups allege inordinate official interest in fire safety and other details regarding their worship facilities, which may result in court-ordered fines, temporary closures or official demolition threats. Most recently in the exclave of Kaliningrad, Russian officials also have confiscated buildings used by Catholics, and Protestants, and turned the sites over to the Russian Orthodox Church.

Muslims have encountered difficulties in gaining official permission to open and maintain mosques, particularly in Moscow and other large cities. One notable case involves the city of Sochi, the site of the 2014 Olympic Games. The city has a Muslim population of 20,000 but its mayor continues to refuse to allow an official mosque, despite the community's appeals to President Medvedev. As of this writing, the ECtHR is considering a case in which the Muslim community in Astrakhan was ordered by Russian courts in 2006 to demolish its own mosque, allegedly because it lacked the required building permits.

Violent Hate Crimes against Persons and Property

Russian officials, especially on the local level, continue to respond inadequately to numerous violent hate crimes directed against members of various religious communities. Moreover, chauvinist groups have stepped up their campaign, including death threats, against individuals, groups, and government officials that defend the rights of religious and ethnic minorities and migrants. While Russian police have offered some assistance to these defenders, their efforts are inconsistent and often ineffective. In many cases involving Russia's ethnic and religious minorities, Russian authorities, particularly on the local level, have not treated hate crimes seriously. Although police officials in Moscow stepped up arrests and prosecution of violent chauvinists, other regions, particularly Nizhny Novgorod, have lagged behind.

In recent years, human rights groups have expressed alarm over the high rate of hate crimes in Russia, often the result of attacks by "skinhead" racist groups, particularly against people from Central Asia, who are predominantly Muslim, as well as against Russian Jews. It should be noted that, as of 2009, the number of victims of racist and neo-Nazi motivated violence in Russia dropped slightly from the very high levels of the six previous years. Some credit belongs to the Moscow-region law enforcement agencies, which have undertaken more decisive steps against the most aggressive ultra-nationalist groups. Credit also belongs to the tireless work of Russian rights activist Galina Kozhevnikova, SOVA Center's deputy director, who died in March 2011 at the age of 36 after a long illness. In 2010, according to the SOVA Center, the number of murders by

ultra-nationalists decreased but the overall level of racist violence remained similar: in 2010, there were 38 fatalities (including 15 Central Asians) and 377 injured or beaten. As of this writing, 2011 had seen 11 fatalities from hate crimes (including four Central Asians) and 22 injured or beaten (including one Central Asian.) The SOVA Report also noted major improvements in the criminal justice response, with the number of convictions for racist violence increasing to 316 in 2010, compared to 168 in the previous year.

The fatal shooting of a soccer fan, allegedly by a man from the North Caucasus in late 2010, sparked riots and ethnic clashes in St. Petersburg, Krasnodar, Nizhny Novgorod, and Rostov-on-Don. In response, President Medvedev said that inter-ethnic hatred threatens national stability and called upon police to punish the guilty, while Prime Minister Putin laid flowers on the grave of the slain soccer fan and urged soccer fans not to allow themselves to be manipulated by radicals.

Most expressions of xenophobia in Russia are directed at migrants from the North Caucasus and Central Asia, but some also target Russian Jews. After the nationalist outbursts in December 2010, larger numbers left for Israel out of concern that such violence may also turn against them, even though the Russian police stepped up security around Moscow synagogues and other Jewish sites.

Most officials and NGOs agree that many of these attacks are motivated largely by ethnic intolerance. Nevertheless, members of Muslim, Jewish, Russian Orthodox, Protestant, Catholic, and other religious communities have been subjected to attacks apparently motivated by religious factors. Religious minority leaders, particularly of Protestant groups, have expressed concerns that Russian government officials tacitly or actively support the view of many ethnic Russians that their country should be reserved for people of Russian blood and that Russian identity is threatened by a declining birthrate and high mortality among ethnic Russians.

Human rights advocates state that senior Russian government officials should increase their public support for the multi-ethnic and multi-confessional nature of the Russian state and society and to develop a long-term plan in that regard. Some Western and other observers have suggested that Russian authorities have manipulated xenophobia for political purposes, citing the ultra-nationalist *Rodina* political party and the Kremlin-backed nationalist youth movement *Nashi*. Others have observed that the Kremlin, by issuing nationalistic statements and often blaming non-Russians for crime, has encouraged intolerant attitudes toward non-Russians and those who do not identify with the Russian Orthodox Church.

Chechnya

While the Russian government has targeted non-violent groups and individuals under the extremism law, Chechen leader Ramzan Kadyrov, who rules a particularly corrupt and lawless republic, has been allowed to operate without accountability. In early 2011, President Medvedev re-appointed Kadyrov to head the Chechen republic for a further five-year term. Kadyrov condones or oversees mass violations of human rights, including religious freedom, the rights of women, as well as humanitarian law by his own militia. As of April 2011, the ECtHR had ruled against Russia in 186 cases concerning Chechnya, most involving "disappearances" of civilians by Kadyrov's militia. Kadyrov also stands accused of involvement in the murders of political opponents and human rights activists. Since being named by the Kremlin to head the Chechen republic in 2007, Kadyrov has exploited Islam, distorting Chechen Sufi traditions to serve his own ambitions and justify his arbitrary rule. He has declared that Chechnya "would be better off" if it were ruled by sharia law which contradicts secular Russian constitutional and legal precepts.

One recent case highlights the official mistreatment of religious prisoners in Chechnya. Islam Umarpashaev often discussed religion on Internet blogs and thus came to the attention of special Chechen security police. In December 2009, he was forcibly abducted in Chechnya. For four months, Chechen security forces held him incommunicado and reportedly tortured him in detention. According to his captors, his April 2010 release was due to his father "making trouble" and filing an application with the ECtHR in January 2010 seeking information about the case from the Russian government. Today, Umarpashaev, his family, and various Russian human rights activists

that assisted him fear reprisals from the Chechen security police. Several official Russian human rights bodies, as well as a group of Russian NGOs, have asked that Umarpashaev's case be transferred from the local to the federal level because impunity for such crimes in Chechnya has made an effective local investigation impossible.

In 2006 Kadyrov launched an often violent "virtue campaign." He has said publicly that Chechen women must dress "modestly" to spare their male relatives the painful duty of killing them if they disobey. Over the past three years, nine women reportedly have been killed, most recently in January 2011, for "immodest behavior" and their killers are not known to have stood trial. In 2007, Kadyrov decreed that all women must wear headscarves in public buildings, and he has encouraged attacks on those refusing to wear the hijab. In 2010, there were dozens of incidents in which women were pelted with paintballs, including by police, for not wearing headscarves; one woman reportedly was blinded. Two years ago, Kadyrov reportedly issued an informal order that all Chechen officials must marry a second wife; reportedly, many have done so, often reluctantly.

U.S. Policy

President Obama has made improving relations with the Russian Federation a priority, most notably with the "reset" in relations attempted by Secretary Clinton. However, the current ruling structure is unclear, with Kremlin politics complex and veiled. While President Medvedev is the head of state, former president and current Prime Minister Vladimir Putin continues to exert a decisive influence on Russian policy, both domestically and internationally.

Despite increased U.S. engagement, its relations with Russia continue to oscillate between confrontation and cooperation. There are continued bilateral discussions on a range of contested issues, particularly relating to Iran and the Mideast. Areas of cooperation include nuclear arms reduction. In December 2010, the United States Senate ratified the Strategic Arms Reduction Treaty (START) between the United States and Russia. The U.S.-Russia Working Group on Civil Society has dealt with the issues of anti-corruption, child protection, prison reform, and migration. Presidents Obama and Medvedev formed the Bilateral Presidential Commission (BPC) in 2009, which has 16 working groups. One such group, the Civil Society Working Group (CSWG), first met in January 2010 and reflects input from government officials and NGOs from both countries. Human rights or religious freedom are not specific topics in this strategic dialogue.

The Obama administration has criticized human rights abuses, such as the murder of Chechen human rights defender Natalya Estemirova and the arrests of peaceful demonstrators. Speeches by President Obama and Secretary Clinton in Moscow have stressed the U.S. commitment to defense of human rights and advancing democracy, including in Russia. President Obama attended the parallel civil society summit in Moscow in July 2010. The Obama administration also has expanded financial support through the U.S. Agency for International Development (USAID) for programs on rule of law, human rights, civil society, media, and political processes. In March 2011, Vice President Biden travelled to Russia and met with President Medvedev and Prime Minister Putin, as well as with opposition and civil society leaders. Vice President Biden discussed the U.S. government's support for Russia's rapid accession to the World Trade Organization, reportedly contingent on human rights improvements.

According to the State Department's 2010 *Annual Report on International Religious Freedom*, while Russia's constitution "provides for freedom of religion, and the government generally respected this right in practice," it also noted that "religious minorities, in particular Muslim followers of Turkish theologian Said Nursi's work, Jehovah's Witnesses, and Scientologists, faced bans on their religious literature and difficulties registering their legal entities." The U.S. government has worked closely with NGOs in Russia in support of democracy and human rights and helped enable a prominent Russian NGO "distribute its own annual report on the state of civil society and human rights in the country" to regional and national authorities, as well as international bodies.

Recommendations

USCIRF concludes that the human rights and security aspects of the issue of freedom of religion or belief should be given a higher priority in the "reset" of U.S.-Russian bilateral

relations. Russia faces security concerns as a result of serious threats from groups which advocate or perpetrate violence in the name of religion. Nevertheless, the Russian government's broad-brush approach to this situation is problematic, due to its arbitrary application of vague anti-extremism laws against religious adherents and others who pose no credible threat to security. In USCIRF's view, despite certain improvements, more can and should be done to ensure that Russian law enforcement agencies do not dismiss hate crimes as "hooliganism," but recognize them for what they are – human rights abuses – and take steps to prevent and punish such crimes, including those involving ethnicity and religion.

Accordingly, USCIRF recommends that the U.S. government respond to the deteriorating conditions in the Russian Federation by taking specific steps to strengthen promotion of human rights, including freedom of religion or belief; prioritize this problem in its bilateral and multilateral diplomacy; and address specific Russian human rights issues, particularly by pressing the Russian government to amend the extremism law, ensure the equal legal status and treatment of all of Russia's religious communities, and combat xenophobia, intolerance, and hate crimes.

I. Strengthening U.S. Promotion of Human Rights, including Freedom of Religion or Belief

The U.S. government should:

- urge the Russian government, in public and at high political levels, 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 7074 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 vague and overly-broad 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,
- reinstitute 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;
- ensure that U.S. government-funded grants to NGOs and other sectors in Russian society include projects on legal protections and respect for freedom of religion or belief and methods to combat xenophobia, such as by funding training programs on freedom of religion or belief, promoting interreligious cooperation, encouraging pluralism, and combating hate crimes;
- support programs to train lawyers to contest violations of Russian and international law regarding freedom of religion or belief in Russian courts and before the European Court of Human Rights (ECtHR);
- translate into Russian and make available, including on the U.S. Embassy Web site, U.S. Federal Bureau of Investigation and Department of Justice materials on combating hate crimes and information relating to international standards on freedom of religion or belief, xenophobia, and hate crimes, including relevant U.S. Department of State and USCIRF reports;
- ensure that Russia's citizens have access to U.S. government-funded radio and TV broadcasts, as well as Internet communications, including information on freedom

of religion or belief and on combating xenophobia and hate crimes, in particular by:

- restoring the previous levels of Russian-language radio broadcasts of Voice of America and Radio Free Europe/Radio Liberty (RFE/RL), restoring staffing levels, and considering new broadcast vehicles; and
- increasing funding for programs in minority languages, including the RFE/RL Tatar and North Caucasus services;
- include in U.S.-funded exchange programs a wider ethnic and religious mix of students, including from the North Caucasus, Tatarstan, and other regions of Russia with sizeable Muslim and other religious and ethnic minority populations;
- implement a U.S. visa ban and asset freeze against Chechen leader Ramzan Kadyrov, whom the ECtHR has found responsible for severe and on-going human rights abuses, and urge European partners to do the same, and consider recommending him for the Politically Exposed Persons list, which includes government officials whose bank assets should be frozen due to their corrupt practices and gross human rights violations;
- ensure that U.S.-funded conflict resolution and post-conflict reconstruction programs for the North Caucasus also fund credible local partners; and
- initiate International Visitor Programs on the prevention and prosecution of hate crimes for Russian officials and other relevant figures and include training sessions by the Department of Justice and the Federal Bureau of Investigation as well as relevant NGOs and academic experts.

II. Prioritizing Freedom of Religion or Belief in U.S. Bilateral and Multilateral Diplomacy

The U.S. government should:

- 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 U.S. Embassy officials and programs engage with local officials throughout the Russian Federation and disseminate information on international norms on freedom of religion or belief, including unregistered religious communities;
- urge the Russian government to invite and schedule dates for one or more of the three Personal Representatives of the Organization for Security and Cooperation in Europe (OSCE) on combating intolerance and the UN Special Rapporteur on Freedom of Religion or Belief to visit the country during 2011;
- 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, and work with members of the G-8 to ensure that human rights issues, including issues concerning migration and counter-terrorism, are raised at bilateral and multilateral meetings;
- ensure that the humanitarian crisis in Chechnya and human rights abuses perpetrated by the Russian federal military and local security and police forces there, as well as in other North Caucasus republics, are issues raised in U.S.-Russian bilateral relations;
- urge the Russian government to respect all resolutions of the Parliamentary Assembly of the Council of Europe on the human rights and humanitarian situation in the North Caucasus and reinstate regular on-site visits by the Council of Europe's Special Rapporteur for Chechnya;

- urge the Russian government to address the issues raised by the UN Human Rights Council's Universal Periodic Review and relevant treaty bodies concerning Chechnya, accept visits to Chechnya by the UN Special Rapporteurs on Extrajudicial Executions and Torture, and fully cooperate with those Special Rapporteurs; and
- advocate, along with other OSCE States, that human rights abuses in the North Caucasus receive greater attention in OSCE deliberations and programs and also encourage the OSCE to offer humanitarian and other assistance to the civilian populations affected by the decade-long conflict in Chechnya and in the North Caucasus.

III. Addressing Russian Human Rights Issues

The U.S. government should urge the Russian government to:

- implement the February 2010 Constitutional Court decision that the Civil Procedural Code be amended to require Russian courts to abide by decisions by the ECtHR rather than the payment of fines as is current practice;
- reform the Ministry of Internal Affairs system of quotas for arrests and detentions of alleged suspects which may result in denials of justice;
- amend the Russian extremism law to address acts that involve violence or incitement to imminent violence, and drop bans on nonviolent organizations, literature and religious communities;
- 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;
- withdraw or substantially amend the NGO law or develop regulations consistent with international standards limiting the state's discretion to interfere with the activities of NGOs, including religious organizations; and
- cease and prosecute all alleged acts of involuntary detention, disappearances, torture, rape, and other human rights abuses by the Russian security services in Chechnya, including by pro-Kremlin Chechen forces, and in other republics of the North Caucasus.

IV. Ensuring the Equal Legal Status and Treatment of Russia's Religious Communities

The U.S. government should urge the Russian government to:

- affirm publicly at a high political level the multi-ethnic and multi-confessional nature of Russian society and that all religious communities in Russia are equal under the law and entitled to equal treatment regardless of registration status, and direct government officials at all levels not to grant preferences to or discriminate against members of religious, ethnic and migrant groups;
- refrain from media attacks on any peaceful religious community and adopt administrative measures against government officials who engage in such attacks;
- cease interference in the internal affairs of religious communities, unless stipulated by law and in conformity with international human rights standards;
- ensure that law enforcement officials investigate and prosecute crimes against members of all religious communities and establish a fair and effective review mechanism outside the Procuracy to investigate and sanction any officials who are found to have encouraged or condoned such crimes;
- amend the legal provision of the extremism law allowing any court to rule that the Russian translation of a text constitutes extremism, resulting in its ban throughout Russia, and re-examine recent court rulings deeming as extremist the publications of the Jehovah's Witnesses and the Turkish theologian Said Nursi;

- reform the mandate and personnel of the Ministry of Justice's 2009 Expert Religious Studies Council in order to diversify its membership and revoke its authority to recommend investigations of religious groups, including of their activities and literature;
- distribute on a regular basis updated information on freedom of religion or belief, including international law, relevant OSCE commitments, Russian constitutional provisions, relevant legislation and court decisions, to the Russian judiciary, religious affairs officials, the Justice Ministry, the Procuracy, and law enforcement bodies;
- extend the current annual training program for regional and local religious affairs officials to include the judiciary, the Procuracy, law enforcement agencies, and the Justice Ministry;
- direct the Russian Federation Human Rights Ombudsman to set up a nationwide monitoring system on the status of freedom of religion or belief in the 84 regions of Russia; and
- accept visits from the three OSCE Tolerance Representatives and the UN Special Rapporteur on Freedom of Religion or Belief, and grant unrestricted access for these officials to religious communities and regions.

V. Combating Xenophobia, Intolerance, and Hate Crimes

The U.S. government should urge the Russian government to:

- condemn – publicly, promptly and specifically – acts of xenophobia, anti-Semitism, intolerance, and hate crimes, and ensure that such acts will be fully and promptly investigated and prosecuted as human rights abuses and not "hooliganism";
 - condemn publicly rhetoric that promotes xenophobia or intolerance, including religious intolerance, while vigorously promoting freedom of expression;
 - provide training programs for law enforcement officers and other officials to address ethnic and religious hatred and promote tolerance;
 - establish a special nationwide anti-discrimination body that provides regular reports to the press, public, and parliament;
 - implement recommendations on addressing anti-Semitism, xenophobia, and hate crimes from the Russia Federation Presidential Council on Human Rights, the Russian Federation Human Rights Ombudsman, the Council of Europe's Commission against Racism and Intolerance, and implement the decisions of the ECHR; and
 - report, as required, to the OSCE on national measures to address hate crimes, including legislative initiatives and statistics, and participate in relevant OSCE training programs for law enforcement and judicial officials.
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