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USCIRF Annual Report 2012 - The Commission's Watch List: The Russian Federation

Religious freedom conditions in Russia continue to deteriorate. The government increasingly used its anti-extremism law against peaceful religious groups and individuals, particularly Jehovah's Witnesses and Muslim readers of the works of Turkish theologian Said Nursi. National and local officials also apply other laws to harass Muslims and groups they view as non-traditional or alien. These actions, along with rising xenophobia and intolerance, including anti-Semitism, are linked to violent or lethal hate crimes. Despite increased prosecutions in Moscow, the Russian government has not addressed these issues consistently or effectively, leading to significant problems of impunity in many regions. Based on these concerns, USCIRF again places Russia on its Watch List in 2012. The Commission has reported on Russia every year since 1999, and first placed Russia on its Watch List in 2009.

Background

The Russian government uses the country's extremism law to sanction religious individuals and groups and other activists who are viewed, often unjustifiably, as security threats. Russia's 2002 Extremism Law defines extremist activity in a religious context as "propaganda of the exclusivity, superiority or inferiority of citizens according to their attitude toward religion," and after 2007 amendments, no longer requires the threat or the use of violence.

If a Russian court ruling of a text as extremist is upheld, it is banned throughout Russia. Individuals who prepare, store, or distribute banned texts may be criminally prosecuted for "incitement of ethnic, racial or religious hatred," with penalties ranging from a fine to five years in prison. In December 2011, the criminal code was amended to add prison terms starting in 2013 of up to three years for organizing or participating in a banned group. As of February 2012, 1081 titles were banned as extremist. Islamic materials constitute most of the banned religious texts, including Russian translations of 15 texts by Muslim theologian Said Nursi. As of 2012, 68 Jehovah's Witnesses texts were deemed extremist. A positive decision on a Scientology religious text is on appeal; two bans were overturned, as was a ban on the *Bhagavad Gita-As It Is*.

Other laws place onerous requirements on religious communities. Russia's 1997 Law on Freedom of Conscience defines three categories of religious communities with varying legal status and privileges. Ministry of Justice officials reportedly require more registration data from Protestant churches and new religious organizations. Officials can bring court cases which may result in banning religious communities found to have

violated Russian law. Russia's 2006 NGO law, which also applies to religious groups, empowers the Ministry of Justice to examine documents on foreign donations and data on executive boards and other internal matters of religious bodies.

Despite Russian constitutional provisions for a secular state with equal legal status for all religions, the preface to the 1997 religion law refers to Islam, Judaism, Buddhism, and especially Orthodox Christianity as "traditional" faiths. As of the start of the 2012 school year, public school children must choose between courses on Orthodox Christianity, Islam, Judaism, or Buddhism; world religion; or secular ethics. Atheists and agnostics have objected to these compulsory courses, other groups view them as divisive, and some minority communities have expressed concern about biased teachers and textbooks. Russian officials and police make negative references to Protestants, Hare Krishnas, and Jehovah's Witnesses, adding to an intolerant climate that has led to discrimination, vandalism, and violent hate crimes against religious and other minorities.

The human rights crisis reflects the Russian government's increasingly authoritarian tilt and the growing influence of violent extremist groups. Russian journalists, lawyers, and human rights defenders have been killed and attacked, with the perpetrators usually acting with impunity. Human rights violations, including in regard to religious freedom, persist in Chechnya and other areas of the north Caucasus. Widespread popular protests starting in late 2011 over contested results of parliamentary elections may lead to human rights reforms, but it is too soon to predict the eventual outcome.

Religious Freedom Conditions

Application of the Extremism Law: In the past several years, extremism charges frequently have been brought against Jehovah's Witnesses and Nursi readers. According to Forum 18, internal Russian government documents indicate high-level coordination and close police surveillance against Jehovah's Witnesses and Nursi readers.

In 2007, a Russian court banned Nursi's work as extremist, allegedly for advocating the exclusivity of the Islamic religious faith. In 2008, the Russian Supreme Court deemed Nursi's followers an extremist group, although experts doubt that they are a formal group. Suspected Nursi groups have been raided and those suspected of reading Nursi's works have been charged and sentenced for extremism. In October 2011, three of six Nursi readers convicted on extremism charges in Nizhny Novgorod received prison terms, including one year for Elshan Gasanov. Nursi reader Asylzhan Kelmukhambetov was freed in January 2012 after being jailed for seven months in Orenburg, but still faces extremism charges.

In 2008, the Russian Supreme Court liquidated the Jehovah's Witness congregation in Taganrog, partly due to a court designation of its texts as extremist. As of early 2012, raids, detentions, and literature seizures continued against Jehovah's Witnesses. In addition, charges of "incitement of hatred or enmity" for distributing Jehovah's Witnesses literature have been brought against Maksim Kalinin in the Republic of Mari-El, Andrei and Lyutsiya Raitin in Chita, and Elena Grigoreva in Akhtubinsk.

Russian officials have equated the practice of Islam outside of government-approved structures with extremism and even terrorism. In the North Caucasus and other areas of Russia, Muslims viewed as "overly observant" reportedly have been arrested, disappeared, or even killed for alleged religious extremism. Some suspects allegedly linked to Muslim extremist groups were jailed reportedly due to planted evidence and later tortured in detention, prisons, and camps.

Legal Status Issues: Local authorities continue to delay or refuse to register some religious groups. The Salvation Army was re-registered in Moscow in 2009 in the first Russian remedial action in response to a European Court of Human Rights (ECtHR) ruling, but the Jehovah's Witnesses were not re-registered in 2010 after a similar ruling. Despite a 2009 ECtHR finding that the 15-year existence rule for registration violated the European Convention on Human Rights, the Church of Scientology is still denied registration, and the rule was cited in a 2010 refusal to register an Armenian Catholic parish in Moscow.

Status of Places of Worship: By 2012, federal, regional, and municipal authorities must return property claimed by a religious community with a supporting court decision, either for rent-free use or full ownership of worship buildings, hospitals, or schools. Russian officials turned over Catholic and Protestant churches to the Russian Orthodox Church in Kaliningrad. Building or renting worship space is difficult for Jehovah's Witnesses, Mormons, Pentecostals, non-Moscow Patriarchate Orthodox, Molokans, and Old Believers. Muslims also face hurdles in gaining permits to open mosques, particularly in Moscow. The 2014 Olympic Games site, Sochi, has 20,000 Muslims, but its mayor refuses to allow an official mosque. The ECtHR is considering an Astrakhan mosque case on a Russian court order to demolish its building.

Violent Hate Crimes against Persons and Property: Chauvinist groups have stepped up their campaign, including death threats, against individuals, groups, and officials that defend the rights of religious and ethnic minorities and migrants. While the Russian police, particularly in Moscow, have offered some assistance to victims, these efforts are inconsistent and often ineffective. Local authorities often fail to investigate hate crimes against members of ethnic and religious minorities, leading to the problem of impunity for "skinhead" racist groups' attacks on mainly Muslim Central Asians and Jews.

Chechnya: The Kremlin-appointed president, Ramzan Kadyrov, condones or oversees mass violations of human rights, including religious freedom. Kadyrov is accused of involvement in murders, torture and disappearances of political opponents and human rights activists in Russia and abroad. He has distorted Chechen Sufi traditions to justify his rule, instituted a repressive state based on his religious views, and ordered the wearing of the *hijab*. Nine women were killed for "immodest behavior" since 2008; Kadyrov has appeared on television to praise these murders and the killers have not stood trial.

Recommendations for U.S. Policy

In response to continuing violations of religious freedom in Russia, the U.S. government should:

- pass into law the Sergei Magnitsky Rule of Law Accountability Act of 2011 (S. 1039, hereafter referred to as the Magnitsky bill) to impose U.S. visa bans and bank asset freezes against specified Russian officials, including Chechen President Ramzan Kadyrov, for alleged human rights and religious freedom violations;
- after the Magnitsky bill becomes law, lift the trade sanctions against Russia included in the 1974 Jackson-Vanik Amendment linking trade relations with restrictions on freedom of emigration, as has been done for seven of the 15 non-market economies initially cited in the Jackson-Vanik Amendment;
- recommend Chechen President Ramzan Kadyrov and other relevant Russian officials named in the Magnitsky bill for inclusion in the Politically Exposed Persons list of government officials whose bank assets should be frozen due to their corrupt practices and gross human rights violations;
- make freedom of religion or belief a key human rights and security concern in the U.S.-Russia relationship and press Russia to reform its extremism law to add criteria related to advocacy or use of violence and ensure the law is not used against peaceful religious communities;
- implement the Smith Amendment included in the FY 2010 Consolidated Appropriations Act to prohibit U.S. financial assistance to the Russian Federation government due to its official policies on non-violent religious groups, especially the Extremism Law;
- include in U.S.-funded exchange programs participants from Russian regions with sizeable Muslim and other religious minority populations and initiate an International Visitor's Program for Russian officials on the prevention and prosecution of hate crimes; and

- institute a visa ban and freeze the bank assets of Chechen President Ramzan Kadyrov due to his continued gross human rights violations and alleged links to politically-motivated killings, and urge European partners to do the same.
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