UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

HEARING ON RELIGIOUS FREEDOM IN RUSSIA AND CENTRAL ASIA

Wednesday, September 16, 2020

10:30 a.m.

Virtual Hearing

P A R T I C I P A N T S

COMMISSIONERS PRESENT:

Gayle Manchin, Chair
Tony Perkins, Vice Chair
Anurima Bhargava, Vice Chair
Gary L. Bauer
James W. Carr
Nadine Maenza
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C O N T E N T S

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P R O C E E D I N G S

CHAIR MANCHIN: Welcome to today's hearing on Religious Freedom in Russia and Central Asia. I would like to thank our distinguished witnesses for joining us to offer their expertise on this very important topic.

I'm Gayle Mansion and serve as chair of the United States Commission on International Religious Freedom. USCIRF is an independent bipartisan U.S. government advisory body created by the 1998 International Religious Freedom Act, or IRFA. The Commission monitors the universal right to freedom of religion or belief abroad, using international standards to do so, and makes policy recommendations to Congress, the President, and the Secretary of State.

Today, USCIRF is exercising its statutory authority under IRFA to convene this hearing.

Today, we will be discussing religious freedom in the Russian Federation and the former Soviet countries of Central Asia, including Turkmenistan, Tajikistan, which USCIRF recommends

for designation by the State Department as Countries of Particular Concern, as well as Kazakhstan and Uzbekistan, which we currently recommend for the State Department's Special Watch List.

USCIRF has been reporting on religious freedom conditions in the Russian Federation and Central Asia since the Commission began in 1998, just one year after Russia passed its significant law, thus ending a brief period of religious tolerance after the collapse of the Soviet Union.

The new law, which is still in effect today, was eerily similar to the past Soviet practice: it requires all religious groups to obtain legal registration from the state in order to exist and subjects applicants to an arduous and intrusive process that can be delayed or denied through a host of bureaucratic mechanisms.

Since 1997, Russia has steadily increased its repression of religion, and it has wielded significant influence on religious regulation in former Soviet states in Central Asia.

It has even exported its oppressive practices to neighboring Ukraine, where highly restrictive religion and extremism laws are a major tool in the illegal occupation of Crimea.

USCIRF first recommended CPC status for Russia in 2017, after the government banned Jehovah's Witnesses as an "extremist organization."

USCIRF has recommended CPC status for Turkmenistan since 2000, making it one of the longest-standing countries on USCIRF's list of violators.

In the 20 years since USCIRF has first made this recommendation, Turkmenistan has made no substantial progress. So-called "religious extremists" are imprisoned after closed trials or simply disappear into Turkmenistan's vast and brutal prison system, as described in a report that USCIRF just released in August on religious freedom conditions in that country.

Since 2018, the country has renewed its offensive against conscientious objectors to military service, who are offered no civilian

alternative service and regularly imprisoned for following their beliefs. In the past month alone, two Jehovah's Witnesses who were previously punished for their conscientious objection were sentenced to two additional years in prison after the government again attempted to conscript them.

USCIRF has recommended CPC status to Tajikistan since 2012, after the country set new administrative and criminal penalties for religion-related charges such as organizing or participating in "unapproved" religious meetings.

Tajikistan banned the Jehovah's Witnesses in 2008 and forbid minors from any organized religious activity except funerals in 2011. The authoritarian government casually imprisons political opponents as "extremists" or "terrorists," and Tajikistan's decrepit and overcrowded prison system includes many religious prisoners.

Russia and Central Asia's mutual reinforcement of religious repression is a key to the dynamic in that region. For instance,

Turkmenistan passed its own repressive religion law in 1996--one year prior to Russia. In 1998, Uzbekistan followed suit. Likewise, Russia's vague and expansive extremism laws, passed in 2002, are echoed in similar legislation passed by Tajikistan in 2003 and Kazakhstan in 2005.

The shared Soviet legacy is clearly a common factor, but there are other important dynamics to consider as well. Established religions like Orthodox Christianity and Hanafi Sunni Islam have a significant influence on religious policy, which Western anti-cult ideas and the dynamics of the post-September 11, 2001 worldwide anti-terrorism campaign also play a role in shaping.

We are most grateful this morning to have with us Representative Joe Wilson. Representative Wilson is a strong advocate for international human rights and religious freedom, and he is currently the Ranking Member on the Helsinki Commission.

He has also been leading the Ukraine Religious Freedom Support Act in the House, H.R.

5408, calling on the President to consider Russia's religious freedom violation in parts of Ukraine when determining the Country of Particular Concern designation.

Congressman Wilson, thank you very much for your important work and especially for taking time out of your schedule to be with us today, and with that, the floor is yours.

MR. WILSON: Ladies and gentlemen, I am Joe Wilson, member of Congress from South Carolina, and thank you for that warm introduction, Chair Gayle Manchin, also, Vice Chairs Tony Perkins and Anurima Bhargava, as well as the dedicated commissioners of the U.S. Commission on International Religious Freedom, for inviting me to speak today.

Today's hearing on religious freedom in the Russian Federation is critically important for the extraordinary people of Russia. It should be recognized that under binding laws of armed conflict, including the Geneva Conventions, Putin is responsible not just for violations of religious

freedom within the borders, but critically Russia is also responsible for religious freedom violations in territory it occupies or otherwise controls.

Since 2014, Russia has been illegally occupying and controlling Crimea and parts of the Donbas region of Eastern Ukraine. This has been done using non-state armed groups and illegal entities created, supported, and commanded by Putin.

In these Ukrainian territories that Russia is illegally holding, it has also presided over egregious violations of religious freedom. This is including detention, imprisonment, torture, forced psychiatric hospitalizations, confiscation of property, and sadly more, and equally sadly, 14,000 Ukrainians have died during this aggression.

This religious persecution has been persistent and well-documented. Russia has targeted the Orthodox Church of Ukraine, the Ukrainian Greek Catholic Church, Protestant Christians, Jehovah's Witnesses, and Muslim Crimean

Tatars.

That's why I have introduced H.R. 5408, the Ukraine Religious Freedom Support Act. This bill would require the President to take into consideration Russia's violations of religious freedom within the territory of Ukraine that Russia occupies or controls when determining whether to designate Russia as a Country of Particular Concern under the International Religious Freedom Act of 1998.

We cannot be silent about the egregious violations of religious freedom in Russian occupied areas of Ukraine. I hope that this hearing will send a clear and strong message to Putin: United States will never cease standing by side-by-side with the freedom-loving people of Russia and the freedom-loving people of Ukraine against tyranny and evil. We will never cease from calling attention to the crimes against humanity.

United States will promote accountability for violations of religious freedoms wherever they may be.

Thank you again to the U.S. Commission on International Religious Freedom for having me here today and for the extraordinary important work that you do, and with that, I yield back the balance of my time.

Thank you. God bless you.

CHAIR MANCHIN: Again, Representative Wilson, thank you so much for the work that you are doing, your commitment to this cause, and hopefully for your success in H.R. 5408.

MR. WILSON: Thank you.

CHAIR MANCHIN: We appreciate your being with us. Thank you.

And I will now turn to my colleague, Vice Chair Anurima Bhargava, who will outline prominent features of religious freedom regulation in some greater detail.

VICE CHAIR BHARGAVA: Thank you, Chair Manchin, and thank you, Representative Wilson, for those powerful remarks and for your efforts to fight back against tyranny and evil and crimes against humanity.

For USCIRF, in past Annual Reports and in a report published this past June, we have closely monitored the spread of restrictive religious regulations and laws in Russia and Central Asia.

These laws in Russia and in Central Asian states resemble one another and are also similar to previous Soviet legislation. Under these registration laws, the state must approve any and all religious activity; otherwise, it is illegal.

In addition, applicants must provide the names and personal information of founding members and turn over founding documents and religious literature for the review of government, quote-unquote, "experts," who determine the legitimacy of each faith in closed proceedings with no process of appeal.

Many of these designated "experts" are outspoken critics of religious minorities and partisans of established faiths like the Russian Orthodox Church.

Russian law requires that all founding members of an approved religious community must be

Russian citizens and prove that their community has existed in Russia for at least 15 years. The consequence is that in the case of previously unregistered groups, this essentially means that they need to admit to illegal activity as a prerequisite for legal registration.

Also to be eligible, communities must document a minimum threshold number of founding members. That requirement has consistently resulted in a significant decline in the number of registered groups. For instance, many religious communities failed to register in Kazakhstan after it passed a law in 2011 mandating a list of 50 founding members.

Sources have shared that although their communities met the required threshold number for membership, founding members were simply afraid to identify themselves on the record for fear of official retaliation. The detailed personal information of founding members is stored in a state database. The founding members listed in those databases have complained of repeated late-

night visits by authorities and even difficulties leaving the country.

The leaders of contemporary Russia and Central Asian states have also sought to position themselves as guardians of traditional religion and values. The preamble of Russia's 1997 Religion Law, for example, recognizes, quote-unquote, "the special role of Orthodoxy" in the history, culture, and spirituality of Russia, as well as the contribution of other traditional religions like Islam.

This contributes to a dynamic that privileges these so-called "traditional" religions at the expense of "non-traditional" faiths, which are often treated as foreign and harmful to the national culture.

In his 2000 Russian National Security Concept, Russian president Vladimir Putin claimed that the protection of the spiritual and moral legacy and social norms was a matter of national security and argued for the formation of government policy in the field of the spiritual and moral

education of the population.

This was soon followed by a broad extremism law in 2002, which enabled authorities to define and prosecute virtually any speech or activity it disagreed with as criminal. A 2012 study by the SOVA Center found that religious organizations constituted the majority of those prosecuted under this law.

The scope of Russian religious regulation has been expanded by subsequent amendments, including the so-called Yarovaya Law of 2016. That law characterizes sharing religious faith, or extending invitations to religious services, as illegal missionary activity if it occurs outside of officially registered spaces, including in private homes or even over the Internet, and enables the government to monitor private electronic communications.

This overall Russian policy, referred to by some observers as, quote, "spiritual security," end quote, has been widely emulated in Central Asia, where the preeminence of "traditional

religion" has likewise been enshrined in law, and authoritarian leaders, like President Berdymukhamedov of Turkmenistan, writes books describing the proper cultural and spiritual life of the nation and President Rakhmon of Tajikistan imprisons political rivals or cultural non-conformists as "terrorists" and "religious extremists."

In the Russian Republic of Chechnya, the so-called protection of traditional culture has resulted in a brutal campaign against LGBTQ individuals, who have been tortured, disappeared, and murdered.

Domestic violence is widespread across the region, and countries like Russia and Tajikistan do not prosecute it as a criminal offense--considering husbands to be the traditional authority in the home.

Often justified with the rhetoric of anti-terrorism this, quote, "spiritual security," end quote, goes beyond counterterrorism--enabling authoritarian regimes to expand their control by

defining acceptable religious and cultural practice and by suppressing political opposition.

I will now turn to my colleague Vice Chair Tony Perkins to discuss Russian abuses, including the export of religious repression to neighboring Ukraine.

Thank you.

VICE CHAIR PERKINS: Thank you very much, Vice Chair Bhargava, and I again want to thank all of our witnesses for being here today and, Congressman Wilson, thank you for joining us. Appreciate your remarks and your focus on this issue.

USCIRF is again recommending the Department of State designate Russia as a Country of Particular Concern, a CPC, this year. Now we make this recommendation based upon the repressive policies and actions that my colleagues just described, and especially because of Russia's gross human rights violations against faith communities in Ukraine.

We are very grateful to see Congress

introduce H.R. 5408 and the Senate companion bill 3064, known as the Ukraine Religious Freedom Support Act, which calls on the President to take into account Russia's religious freedom violations in Russia's occupied Crimea and Russian-controlled Donbas when determining CPC designations under IRFA.

Now we're hopeful and we certainly will urge Congress to swiftly pass this legislation and would urge the President to sign it.

As the Russian Federation has exported its repressive religious regulations to neighboring Ukraine, its occupation regime in Crimea has used religious regulations to terrorize the general population and to particularly target opposition activists in the predominantly Muslim Crimea Tatar community, charging them with extremism and terrorism.

Now since the occupation began in 2014, Russia has deprived at least 65 Crimean Tatar Muslims of liberty in this manner, with some receiving sentences up to 19 years. Now observers

claim that there no evidence of violent intent is provided or even needed and note that most of these individuals charged are affiliated with the secular opposition movement, Crimean Solidarity.

Furthermore, Russian officials press Muslim residents of Crimea to offer bribes in order to keep their religious facilities open. Mosques are reportedly frequently raided, and video cameras have been placed in houses of worship across the region, creating this constant state of surveillance. Members of the Orthodox Church of Ukraine in Crimea report similar persecution, including the confiscation of church property and the systematic harassment of clergy and congregants.

Now in Eastern Ukraine, Russian-backed separatists pursue an exclusionary religious policy that privileges the Moscow Patriarchate of the Russian Orthodox Church. In the so-called Luhansk People's Republic, rebel authorities have effectively banned all religious groups that failed to meet their registration requirements, including

all Protestant communities, the Jehovah's Witnesses, and the Orthodox Church of Ukraine.

Now back inside Russia's borders, Jehovah's Witnesses currently report that ten of their members are imprisoned for their faith, while 31 are in pretrial detention and 28 are under house arrest.

Since Russia formally banned the community in 2017, there have been 1,086 searches of private homes and 372 members have been accused of criminal activity.

In February of 2019, Russian law enforcement detained and tortured a group of 19 Jehovah's Witnesses, who were beaten, suffocated, and subjected to electric shocks while they were in custody. Sadly, similar reports of torture continue up to the present.

Meanwhile, hundreds of peaceful Russian Muslims remain in prison under vague and fabricated charges of extremism and terrorism, which often target those who stray from what the government has deemed as "traditional" versions of Islam.

Victims of such repression include followers of the moderate Kurdish theologian Said Nursi and members of the Muslim missionary organization Tablighi Jamaat.

Now before concluding, USCIRF's considerations of religious freedom in Central Asia also lend importance to the recent and substantial progress that Uzbekistan and Kazakhstan have made in recent years. Now both governments have been actively reforming their approach to religious freedom in cooperation with U.S. officials and the international community, and USCIRF currently recommends them for Special Watch List status.

There is real hope that their examples can have a positive spillover effect in the region, as a much-needed contrast to Russia's malign influence.

Again, I want to thank our witnesses, and I look forward to hearing your analysis and learning from what you have to say, and we look forward to your recommendations.

I will now turn the floor back over to our

chair, Chair Manchin.

CHAIR MANCHIN: Thank you very much, Commissioner Perkins.

And now it is just a real honor and pleasure to introduce our four panelists who will be presenting today, and they will present in the order. I'm going to go ahead and introduce all four. They will speak, and then we will have time for questions and discussion following their information.

MR. WILSON: Chair Manchin, Congressman Wilson.

My staff is relentless. They've got me going to another meeting. But I want to thank everybody for their participation, and it's so inspiring to see people stand up for religious freedom in such a great, what should be such a great country, the Russian Federation.

God bless each of you as they are forcing me to go from one meeting to another. Thank you.

CHAIR MANCHIN: Thank you, Representative Wilson, and we certainly understand and appreciate

your good hard committed work.

MR. WILSON: Thank you.

CHAIR MANCHIN: Thank you. Go forth.

MR. WILSON: Thank you.

CHAIR MANCHIN: Okay. Our first speaker will be Dr. Elizabeth Clark, who is the Associate Director for the International Center for Law and Religion Studies at Brigham Young University's Reuben Clark Law School.

She has published numerous articles and book chapters on church-state issues and has been an associate editor of three major books. She has also testified before Congress on religious freedom issues and prior to joining the law school, Professor Clark was an associate in the Washington, D.C. office of Mayer, Brown & Platt, where she was a member of the Appellate and Supreme Court Litigation Group.

We're very proud to have her with us today.

Also, Dr. Emily B. Baran is an associate professor and interim chair of the History

Department of Middle Tennessee State University.

Dr. Baran's research explores the relationship between minority religious communities and modern states in the Soviet Union and former Soviet states.

Maria Kravchenko is a researcher at SOVA Center for Information and Analysis, a Russian-based nonprofit organization founded in 2002 that focuses on monitoring and analysis in areas such as Russian nationalism, relations between religious organizations, the state and secular society in Russia, and misuse of anti-extremism policies by the authorities.

And our fourth speaker will be Ambassador John E. Herbst, and he is the Director of the Atlantic Council's Eurasia Center. Ambassador Herbst served for 31 years as a Foreign Service Officer in the U.S. Department of State, retiring at the rank of career-minister.

He was the U.S. Ambassador to Ukraine from 2003 to 2006, where he worked to enhance U.S.-Ukrainian relations, help ensure the conduct of a

fair Ukrainian presidential election, and prevent violence during the Orange Revolution.

It is certainly again our pleasure to have these four guests, and I'm very anxious to hear what you bring to us this morning and to those around the world listening today.

So Dr. Clark, please, the floor is yours.

MS. CLARK: Thank you so much, Chair Manchin. I'm grateful for the comments of Vice Chair Bhargava and Commissioner Perkins. I think they did a wonderful job laying out the really important parts of the issues.

I've been asked to address legislation in Russia and Central Asia that affects religious freedom.

Legislation is a key element in tracking religious freedom in a country. I love the way the Economist put it, which is "for generations the laws have been a tool of state power, not a limit on its abuse."

The legal regulation of religion in Russia and Central Asia during both the post-Soviet and

Soviet eras have been marked by three things, at least:

First, efforts by states to eliminate religion's potential as a rival source of influence and authority.

Second, an instrumental view of religion as a historical, ethnic-based phenomenon that is permissible so long as it supports the state.

And third, a sense that's conflated with legitimate concerns about violent extremism, that minority beliefs, especially so-called "foreign" or new religious movements, undermine state security. We've already heard a little bit about this.

Also, as we have heard, some promising signs of greater support for religious freedom coming from Kazakhstan and from Uzbekistan, where we've seen release of political prisoners, abolition of blacklists, registration of some new religious organizations, and new legislation, but the dominant theme coming from this region is that the Soviet legacy of control, instrumentalization of religion, and seeing religion as a security

threat seems to be difficult to overcome.

I'll address these points in turn briefly. First, consolidation of state control and elimination of pluralism. We see particularly in post-Soviet Russia, Kazakhstan, and Kyrgyzstan, which all had experienced an initial period of comparative openness, this consolidation of state power has been particularly marked over the last ten or 15 years.

And at its most extreme, the exercise of control over the religious sphere, as Commissioner Perkins noted, is evident in restrictions on the ability of individuals and groups to engage in religious activity without notice or permission from the state.

For example, amendments to the already restrictive 1997 law in Russia on religious organizations have in practice even more sharply limited the ability of unregistered religious groups to meet or to engage in religious activities without giving notice to the state, and there's a draft law that's been introduced by the Russian

government on July 21 of this year that even further restricts this effort for groups to be able to meet.

Unregistered religious activities on the other hand are simply banned in all Central Asian countries and even in the new, more liberal Uzbek draft law released last month. This kind of limitation on religious activity was also the case in the Soviet era under the Law on Religious Associations of 1929, which mandated registration.

So in addition to state control over registration and unregistered activity, another important area of state control that we see in religious education--in Russia and Central Asia, this is limited to registered religions, which sharply controls who can be, teach or pass on their beliefs.

Several countries have really vague prohibitions of "private teaching of religion," which parallels Soviet practice under the 1929 law which banned religious organizations from teaching religion to children.

So my second main point: instrumentalization of religions. In the Soviet era, this view emerged that religion is permissible so long as it supports the state along with the assumptions that dominant ethnic-based religions are the ones that are loyal to the state.

So this divide between religions that are majorities among ethnic groups in the country and minority groups should actually not be surprising. Political scientist Ani Sarkissian has some interesting work where she empirically demonstrates how authoritarian leaders in countries that have dominant religions tend to discriminate in favor of those dominant religions and repress minority beliefs as a soft power move to shore up the legitimacy of their rule.

This kind of discrimination is reflected in laws and practice in this region. After the Russian law against extremist materials, for example, was used against majority religions, it was amended in 2015 to exempt the key scriptures of the so-called "historical religions" of Orthodoxy,

Islam, Judaism and Buddhism. Courts, however, have still proceeded to ban the Jehovah's Witness translation of the Bible as extremist, despite this exemption, claiming that it is just not a Bible.

Other ways we can see this kind of discrimination between favored groups and less favored groups, the so-called "Yarovaya law" that limits proselyting can also be understood as a form of discrimination because newer religions are the groups that are typically associated with proselyting and the groups that have been primarily prosecuted under the law.

Minority "nontraditional" groups also experience discriminatory application of seemingly neutral laws. Russia's anti-extremism law, for example, is facially neutral. That has an excessively broad definition of extremism that can easily be applied to any religious group. As we've heard, the law has been most prominently used to ban the pacifist Jehovah's Witnesses and confiscate their property and led to charges of 384 individual Jehovah's Witnesses.

The third point is briefly, as you see from the example of the Jehovah's Witnesses or the Yarovaya law, which came up through the committee in the Duma that deals with extremism and national security, fears from threats of non-traditional minority groups have conflated with concerns about violent extremism to justify excessively broad restrictions on religious life, including restrictions on peaceable minority religions, and certainly we see in Central Asia, on those who are perceived to act or dress excessively Islamic. These have been formalized in official policy statements and also reflected in which groups security forces choose to target.

Now I know my time is about up so I'd like to conclude. In conclusion, I'll identify a worrying trend in the legislation of Russia and Central Asia that's already been mentioned that can be called "sharing of worst practices."

Initially, in the Soviet world, for example, proselyting was banned and pre-distribution censorship of religious materials was

mandatory only in Turkmenistan and Uzbekistan, which were at that point the most repressive of the countries in Central Asia.

We see these same provisions then get picked upon by Kyrgyzstan in 2008 and Kazakhstan in 2011, and then in Russia, at least the proselyting restrictions in the Yarovaya law of 2016, which itself has led to over 2,000 lawsuits and fines of over ten million rubles.

This sharing of worst practices goes both ways. After Russia adopted a law prohibiting insult to religious feelings in 2013, after issues with Pussy Riot and so forth, the Kyrgyz Republic adopted it in 2014, and now we see a similar provision in the new Uzbek draft law.

Another even more recent example--draft legislation introduced into the Russian Duma July 21 of this year includes a provision that was previously seen in Central Asian legislation--restricting religious leadership for theological schools to those who have received relevant academic training in-country. It's understandable

they're trying to prevent extremism being imported in, but this violates international norms and makes it impossible for some religious denominations who don't have training facility in that country to be able to establish theological schools in-country and even be able to conduct worship.

One of the few bright spots in the landscape is there seems to be a bit more openness to questions of religious freedom in Kazakhstan and Uzbekistan over the last year-and-a-half. As was mentioned, Uzbekistan proposed a revised draft law in 2019 and then another more liberal one just last month that simplifies the process for registration of religious organizations and provides additional procedural protections for religious organizations.

While there is more work that remains to be done on the draft to bring it fully in line with international norms in this area, it is a sign of progress, together with the positive actions by the state mentioned earlier.

But what we see overwhelmingly in this region is that the Soviet legacy of control,

instrumentalization of religion, and viewing religion as a security threat remain dominant.

Thank you.

CHAIR MANCHIN: Dr. Baran.

DR. BARAN: Thank you.

As an expert on Soviet and Russian Jehovah's Witnesses, I'm going to go ahead and tailor my remarks today just to that particular religious minority.

Today, there are over 175,000 Witnesses in Russia, but they didn't just arrive in the past few decades. They've been part of Russia's religious makeup since at least World War II, and they were harshly persecuted throughout the Soviet period.

Witnesses face arrest, harassment, job discrimination, heavy fines, and loss of custody of their children. Equally important, Soviet propaganda told citizens that Witnesses were frankly terrible people, guilty of all sorts of criminal actions, theft, adultery, greed, sexual violence, murder, even collaboration with the Nazis.

And I bring up the Soviet legacy because overwhelming popular animosity toward Witnesses sanctioned in the Soviet period remains a fact of life in Russia today. Russian newspapers have not acknowledged the decades of anti-Witness propaganda were in fact false, thus, Russian citizens have been given no reason to question this misinformation. In their minds, their religious neighbors were and remain dangerous.

Moreover, in the 1990s, even when Witnesses had a lot more religious freedom and could legally worship in Russia, new propaganda spread about the alleged dangers of minority religions. This is often called the anti-cult movement and an imported Western rhetoric about cults to make bold, and I would say fundamentally false, claims that letting Witnesses remain legal would threaten Russia's fragile democracy and undermine its Orthodox heritage.

Thus, Russian media have regularly described the Witnesses as, quote, "brainwashing" or "zombifying" even citizens for monetary gain and

personal power.

Witnesses are described as either gullible fools or as dangerous fanatics. Either way, they require the intervention of professionals and authorities to deprogram them and bring them back into mainstream society.

Again, this language began in the 1990s, but it definitely continues today.

Now this would be troubling enough if it were just limited to harmful rhetoric. Unfortunately--and many others have spoken to this already--the Russian legal system has used its significant regulatory power over religious life to restrict the Witness faith. And again, as others have said, this is--there are some strong similarities here between the current regulatory system and the Soviet-era one prior to 1991.

In particular, the Russian government has used the threat of terrorism to deny the Witnesses the right to worship. The 2002 anti-extremism law ostensibly aimed at combatting extremism has been critical. This law and its vague and overly broad

categories of extremism gave Russian courts the power to do three things:

One, they could declare publications to be extremists and criminalize their circulation.

Two, they can declare an organization to be extremist and seize its assets; and

Three, they could prosecute a religious believer for practicing extremism.

And we see all three processes in action against the Witnesses. Namely, after the law passed in 2002, Russian courts began to label witness publications "extremist." These publications ended up on a blacklist, couldn't be used in religious services, or circulated among believers.

Then, the court began to revoke individual congregations' registration since a community that puts out extremist literature must then be extremist. This meant that congregations could no longer meet.

Finally, in April 2017, the Russian Supreme Court ruled that the entire statewide

organization of the Witnesses in Russia was extremist and ordered its dissolution. As a result of this ruling, all organized activity by the Jehovah's witnesses has been declared illegal. This includes religious worship services and evangelism.

The state seized the Witnesses' administrative offices and took control of all of their assets and property. And Dr. Clark mentioned this, but later in 2017, a separate court ruling declared that the Witnesses' translation of the Bible was an extremist text and included it on the list of banned publications.

And again, as she mentioned, for the record, this required the court to find a Bible translation to not be a Bible because otherwise it would have been in violation of a law that specifically says you cannot ban a Bible as an anti-extremist, under anti-extremist legislation.

And lastly, we've begun to see the third step of this application of the law: the criminalization of individual believers' actions,

which are now being labeled "extremist."

Now, of course, the Russian state has defended itself by saying it has not and will not ban Witnesses as individuals nor their individual religious beliefs. But in reality, when Witnesses have continued to gather and to speak about their faith to others, even to other Witnesses, a small number have been criminally charged for engaging in extremism. As of August 2020, over a thousand homes have been searched, nearly, 400 charged, a few dozen convicted, and ten are currently serving time.

Again, to be clear, there are now Russian citizens serving time in prison or labor colonies for belonging to the Jehovah's Witnesses. And this is really outside of democratic norms and had not happened in Russia since the end of the Soviet Union.

Regarding President Vladimir Putin's position on this legal situation, in December 2018, he was asked directly about it. He claimed to share concerns that extremist laws were being

applied to Witnesses in error, but despite these professed misgivings, the continued actions of the Russian federal government strongly indicate otherwise.

President Putin himself has taken no actions to mitigate harm to Jehovah's Witnesses despite his comments on the matter.

And just to conclude, Jehovah's Witnesses in Russia today do not have freedom of worship. They are subject to prosecution for practicing their faith despite claims to the contrary both by Putin and other Russian state officials.

In the wake of the April 2017 decision, the U.S. State Department issued a statement calling on Russia to reverse the liquidation. In doing so, it joined numerous governments and non-governmental entities who have denounced Russia's violations of its citizens' religious freedom.

Russia cannot be said to have full religious freedom, a cornerstone of a democratic society, as long as the Jehovah's Witnesses cannot practice their faith.

Thank you.

CHAIR MANCHIN: Ms. Kravchenko.

MS. KRAVCHENKO: Thank you, dear Madam Chair, dear commissioners, dear witnesses.

Anti-extremist legislation, as a comprehensive legislation in the sphere of state and public security, emerged in Russia in 2002. It represents an ambitious attempt at a comprehensive solution to problems usually linked in the realm of social sciences rather than in the realm of law.

This approach has been adopted by several post-Soviet countries, such as Kazakhstan, the Kyrgyz Republic and Tajikistan, to varying degrees. This applies both to the adoption of Russian legal innovations and the law enforcement activities.

Vague and problematic definitions of "extremism" in Russian law give the authorities wide latitude to interfere in the religious sphere. Numerous cases of prosecution for "religious extremism" rely on the problematic definitions of extremist activity contained in the relevant framework law.

In particular, the law defines "propaganda of exclusivity, superiority or inferiority of a person on the basis of their religious affiliation or attitude toward religion" as an extremist activity.

The definition of extremism is often seen simply as the propaganda of the superiority of one's religion, which is, in fact, inherent in any religion. As a result, any discourse--from literature to debates on spiritual topics--about the merit of a particular religious or critical of others can be characterized as extremist activity.

The definition provided Russian law enforcement agencies with a way to suppress any unwelcome religious group regardless of whether it poses any actual danger to society or not. In fact, authorities deem suspicious many different aspects of religious community life, including unusual religious practices or principles inconvenient for the state, for example, refusal to serve in the military, the closed nature of some religious communities, alleged links to terrorism,

and undesirable foreign influences.

The legal tools used by the Russian government include the placement of print and audiovisual information on a federal list of banned materials, the blocking of information on the Web, the banning of religious communities as extremist, the imposition of fines and short-term detention under the Administrative Code, and multi-year terms of imprisonment under the Criminal Code. Such measures may be used individually or in concert to build a wider case for delegitimizing an entire community, as has happened to Jehovah's Witnesses.

It should be noted that in 2019, Russia ratified the Shanghai Cooperation Organization Convention on Countering Extremism, signed in 2017 by Russia, China, Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan. Among other provisions, it expands the definition of extremism previously adopted at the SCO level, making it closer to the definition of extremism used in the Russian Law "on Combating Extremist Activity."

The Convention imposes on SCO members

obligations to establish penalties for extremist acts and for a number of related actions. The document provides for close cooperation between law enforcement agencies in their investigation of extremist cases, including travel to the territory of other participating states to attend operational search activities.

In addition, the Convention imposes on participating countries an obligation to deny refugee status to all those involved in extremist crimes.

The main targets of Russia's anti-extremism policies have typically been Muslims, ranging from fundamentalist groups like the Tablighi Jamaat missionary movement to readers of the texts of Turkish theologian Said Nursi, who do not even represent a single organization.

In both Tajikistan and Kyrgyzstan, Salafiya, or Salafism--a broad area of Islamic thought and religious practice that has no structure at all--is banned as an extremist community.

Even if a ban has been imposed on actual registered organizations, Russian law enforcement agencies still attempt to prosecute believers in places where no banned entities have ever existed.

Given that the criminal laws on continuing the activities of banned organizations are formalistic--this is the very fact of participation in the activities of such an organization is criminal--such regulations conflict with constitutional guarantees of freedom of expression, assembly and conscience, create legal uncertainty and entail blatantly disproportionate restrictions on civil rights.

Non-Muslim denominations are also targeted in Russia, including those whom the Russian Orthodox Church has traditionally disapproved of, among them religious groups of Western origin--Jehovah's Witnesses and Scientologists. Following the complete ban on Jehovah's Witnesses organizations as extremist in 2017, believers in Russia face criminal prosecutions for continuation of their religious activities interpreted by the

law enforcement as continuation of activities of extremist groups.

According to the latest data, searches of believers' homes by armed forces were held during two-and-a-half years; criminal cases have been instigated against nearly 384 Jehovah's Witnesses. About 30 believers have been sentenced, ten of them have got real prison terms of up to six years. Even cases of torture of believers by law enforcement agents have been reported. In Central Asia, Jehovah's Witnesses have not been persecuted as extremists yet.

At the moment, in Saint Petersburg, a group of Scientologists faces criminal charges, including incitement to hatred. There is a chance that if they are found guilty, their conviction may lead to the banning of Scientology centers as extremist organizations. In Kazakhstan, Scientologists cannot register as a religious organization, and in Kyrgyzstan, they have lost their registration, and thus their activities are illegal in both of the countries, but they do not

face extremism-related charged.

Baptists and Pentecostals have increasingly experienced various problems with registration and facilities as well as missionary restrictions both in Russia and Central Asia.

Expressing atheist views is not welcomed by the Russian authorities as well. Before 2013, atheists have faced prosecution for inciting hate against believers. Since 2013, the Russian legislation contains several prohibitions that fall within the concept of defamation of religion/blasphemy.

The Criminal Code provision on insulting religious feelings of believers criminalizes speech expressing obvious disrespect for society and committed in order to insult religious feelings of believers and has most frequently been applied to online statements critical of religion, almost exclusively Orthodox Christianity, for example, atheist memes.

In Central Asia, there are no such special provisions, but in some of the countries insulting

religious feelings of believers is seen as a manifestation of inciting hate.

The concepts of extremism and terrorism are often lumped together in Kazakhstan, Kyrgyzstan, and Tajikistan. Some organizations are even recognized in Kyrgyzstan and Tajikistan as both extremist and terrorist. Meanwhile, Russia has developed separate anti-terrorism legislation so the concepts of "extremism" and "terrorism" are distinguished much more clearly in the legal field.

In Kazakhstan, Kyrgyzstan and Tajikistan a well-known radical Islamist party "Hizb ut-Tahrir" is recognized as an extremist organization and its followers have been prosecuted but not as harshly as in Russia.

In Russia, Hizb ut-Tahrir has been banned as a terrorist organization though it has never actually practiced terrorism. Therefore, its followers face prosecution under counter-terrorist articles of the Criminal Code. At present, they are being sentenced to up to two dozen years in prison just for participation in the party.

The investigation of the cases against Hizb ut-Tahrir followers often entails gross human rights violations, including the use of torture.

In the Ukraine, Hizb ut-Tahrir is not banned and it was somewhat popular with part of the Crimean Tatar population before annexation. The fact has been used by the Russian authorities as a pretext for ordering permanent raids, searches, detentions, arrests and interrogations, sometimes with the use of violence, in the peninsula.

So that's the current situation in the region and thank you all for your attention.

CHAIR MANCHIN: Thank you, Maria.

And now Ambassador.

MR. HERBST: Thank you.

Chairwoman Manchin, Vice Chairs Perkins, Bhargava, and Honorable Commissioners, thank you for the opportunity to speak today at the Commission. It is an honor.

I will testify today on Russian religious policy and its impact in Ukraine. First let mention that I think most things have been said

about Russian religious policy by my fellow witnesses and, in fact, commissioners. I will take a slightly different optic before I get to the Russian practice in Ukraine.

The Russian state established policies for dealing with different religions in czarist and Soviet times, and these have been reintroduced and refined in post-Soviet Russia. First and foremost, the state strives to maintain strong control over the main religions in terms of their impact on political life.

There is a close relationship between the Kremlin and the Moscow Patriarchate of the Russian Orthodox Church, the MP, since its establishment in 1589.

In Soviet times, the Patriarch and other church hierarchy were often high officers in the KGB, the secret police, and the church was at the state's command for political tasks.

These practices have spilled over into the post-Soviet period. The Russian government effort to control the activities of Islamic organizations

date back to the establishment of the Orenburg Muslim Spiritual Assembly in the late 18th century. Today Russian religious policy is characterized again by suspicions regarding religious groups that are not part of traditional religious practice in Russia. This includes Roman Catholics, various Protestant groups, Scientologists, Hare Krishna, Jehovah's Witnesses, and Salafi Muslim groups.

Russian legislation in 1997, 2002 and 2015 have provided a legal basis for taking measures against these groups.

Of the traditional faiths, the MP is the first among equals. It plays a key role in Moscow's soft power efforts of Russkiy Mir, or the Russian World. The Russian World concept bundles Russian Orthodoxy, Russian language and culture to induce ethnic Russians and Russian speakers outside of Russia to support the Kremlin.

Support from these communities give the Kremlin leverage to use against their neighboring government in Moldova, Georgia, Belarus, and especially Ukraine.

Russian policy toward Islam also has implications in Crimea, Donbas, and elsewhere in Russia's "near abroad." In each Islamic republic in Russia, a Spiritual Association of Muslims, SAM, has been created to keep religious activity within desired bounds. And Russian law and practice provides means to restrict and harass hard-to-control Islamic groups who are not part of traditional practice.

While this may help provide Salafi groups, the practice has the effect of making any Islamic group not sanctioned by a SAM illegal and subject to repression.

Today, the most acute religious danger to political order in Russia has come from Salafi extremist Islam. Salafi groups in the Caucasus have conducted terrorist attacks. They are subject to prosecution for extremism, and the full force of Russian security forces are used against them.

Moscow and local leaders in Islamic areas have also harassed politically inconvenient Islamic figures with dubious charges of extremism.

The Kremlin has effectively used the Moscow Patriarchate not only to project Russian influence as a key player in the Russian World outreach but also to help manage specific political problems abroad.

For instance, during the Orange Revolution in Ukraine in late 2004 and the Maidan Revolution nine years later, MP clerics offered support for Moscow's preferred Ukrainian politician, Viktor Yanukovych, at cost to its standing in Ukraine.

But perhaps the most significant issue in Moscow's religious policy in Ukraine concerned the recognition by Patriarch Bartholomew of Constantinople, the senior hierarch in World Christian Orthodoxy of the Unified Ukraine Orthodox Church of Ukraine, OCU, in January of 2019.

Prior to that decision, the MP was recognized in the Orthodox world as the canonical church throughout Ukraine. The MP and the Kremlin itself tried unsuccessfully to prevent this by lobbying Patriarch Bartholomew, President Erdogan of Turkey, and the leaders of the 13 other

autocephalous Orthodox churches around the world. And after the decision by Patriarch Bartholomew, the MP broke canonical relations with the Patriarchate of Constantinople.

Since the recognition of the Orthodox Church of Ukraine by the Patriarch of Constantinople, parishes of the MP have begun to transfer allegiance to the UOC.

According to--this is, in fact, my testimony has 500 in what I've written, but I had some more information yesterday. According to the Ukrainian Orthodox Church, 600 parishes have moved from the Moscow Patriarchate to the Ukrainian Church. According to the MP, only 42 parishes have moved. And if people are interested, I can explain the discrepancy.

Moscow seized and annexed Crimea in February and March of 2014, and began its not-so-covert war in Donbas in April of 2014. Its church policy in both Donbas and Crimea is designed to consolidate Russian control.

In Crimea, has tried to control, if not

stifle, any signs of Ukrainian nationalism, whether from the nearly 30 percent of the population that is ethnic Ukrainian or the over 12 percent of the population that is Crimean Tatar.

With ethnic Ukrainians, this has meant the obvious signs of Ukrainian culture, religion and language particularly, must be suppressed. On the religious side, the principal goal has been to reduce the small presence of what had been the Kyiv Patriarch, which became part of the Orthodox Church of Ukraine in December 2018, and the small Greek Catholic Church, Uniates, in Crimea.

Since the annexation of Crimea, Moscow has applied all the methods described above to deal with this. At the time of Moscow's invasion of Crimea, there were 46 Orthodox Churches on the peninsula not under MP control. By the end of 2014, months later, that number had dropped to nine, and by the end of last year, that number had dropped to six.

In Crimea, the Greek Catholic Church, the Uniates, have no standing at all and must operate

under the umbrella of the Roman Catholic Church, which itself faces restriction.

Russian policy towards Islam and Crimea is tied to its policy toward the Crimean Tatars. This is a difficult problem for the Kremlin. The Tatars are strong Ukrainian patriots, principally because of Stalin's forced deportations to Central Asia of nearly entire Tatar populations during World War II, in which 20 to 46 percent of that population died. Again, I can explain the different statistics if people are interested.

Moscow's tactics towards the Muslim organizations in Crimea resembles its approach towards the Ukraine Orthodox Church and with similar results. The number of Islamic organizations in the Crimea have shrunk. From 2,083 in 2014, there were 831 in 2018.

Russian authorities have prosecuted cases in Crimea where missionary activity by unregistered organizations. They have prosecuted not just Salafi groups, but on trumped up charges, they have gone after--trumped up charges of extremism--

they've gone after non-Salafi activists. Russian authorities in Crimea have also used the inhumane Soviet practice of placing Muslim activists in psychiatric hospitals.

According to the Religious Freedom Roundtable, conditions in the occupied Donbas are even worse than Crimea.

Initially, groups not belonging to Russia's traditional religions were forbidden to conduct religious activities. Many places of worship, including prayer houses and temples, were seized by armed groups. The representatives of these groups were often required by law to register with criminal liability for the failure to do so.

These policies have driven many believers out of the Donetsk and Luhansk Peoples Republics. The Kremlin's religious policy in Russia elicits concern. But the policy in Crimea are particularly troublesome. For geopolitical reasons, the Kremlin has launched a multifaceted effort to severely constrict, it not eliminate, the Orthodox Church of Ukraine and the Greek Catholic Church in both

regions.

Its efforts to control the Crimean Tatars have included approximately 60 percent of Islamic organizations. In Donbas, repressive policies have effectively driven out Protestants and OCU believers. These measures justify designating Russia as a Country of Concern. Its religious policies are sadly part and parcel of its aggression in Ukraine.

Thank you very much.

CHAIR MANCHIN: I want to again thank all of our panelists for the abundance of information that brought forth.

I'm going to begin with a question for Dr. Baran and then our other commissioners, I'm sure, are waiting to ask other questions as well.

Dr. Baran, in the case of Jehovah's Witnesses in Russia, I know in your testimony, you talked about the press writing against them even though Putin was saying, you know, maybe some of these laws were unfair. But what is the viewpoint in Russia itself among the other religious

communities? What are their attitudes towards the Jehovah's Witnesses? Or maybe a more general question: how do the religious communities interact with each other?

DR. BARAN: Thank you for the question.

In terms of just broader societal attitudes towards Jehovah's Witnesses, we have a couple of datapoints on that. There are some opinion polls asking Russian citizens to kind of respond with, you know, is your attitude towards this NGO or religion broadly positive or negative? Those polls--and I don't know--they're a bit dated now--but when they took place, the Witnesses were routinely on the bottom in terms of the most negative associations of any religious minority.

And I think that's not surprising because if one has heard of them, the only thing one would have heard of them is negative. There just simply isn't positive media coverage with very few exceptions in Russia, either print or television, about the Jehovah's Witnesses. And I think that strongly colors people's perceptions, and then, of

course, since 2017, they've been labeled as "extremists," and so now you kind of have the state officially endorsing what had previously been the anti-cult movement's position but certainly wasn't the official position. The Witnesses had been registered with a few exceptions and have been registered federally.

So now you also have, have reports from Russian Witnesses of discriminatory attitudes, hostile statements. There have been incidents of Jehovah's Witness children being attacked in the school system verbally, being told your family are a bunch of extremists. The state has said this like we all know you're--we all know--there's a truck in the background that has chosen this moment to do things outside of my office. I apologize for the background noise.

And so in terms of other religious communities, that's more complicated. There have been--and I don't have offhand a whole list--but there have been other religious groups that have spoken out against the Jehovah's Witnesses'

persecution in Russia.

The Orthodox Church is not one of them, and much of the anti-cult rhetoric in Russia today is coming out of groups with ties to Russian Orthodoxy.

CHAIR MANCHIN: Thank you.

Commissioner Perkins, do you have a-- you're muted, commissioner.

COMMISSIONER CARR: I've got a question, Chair Manchin, if--

CHAIR MANCHIN: Oh, okay. Certainly.

COMMISSIONER CARR: Let Tony work on getting his microphone working.

Back to our guests, Dr. Baran, and congratulations to your work at Middle Tennessee State. That's an up and coming university. Congratulations.

In your book, Dissent on the Margins, you indicated that the Witnesses were one of the fastest-growing religious groups in Russia. I think the last number I saw was around 200,000 members of that group.

And we have learned, we have known since the first century that religious groups often under persecution are the fastest-growing groups. They grow fastest during times of persecution. Do you think that persecution is actually backfiring on Russia, and that that is attributing to this growth?

DR. BARAN: No, I don't think that their-- their strongest growth was in the 1990s, and that's consistent with a lot of religious minorities. You suddenly have this religious marketplace. People could choose; people regularly did. They visited multiple churches, mosques, synagogues, other religious buildings. They talked to people of different faiths, and many went to consider multiple religions.

And so the Witnesses were one of a number of groups that had really rapid growth in the 1990s, and it has certainly slowed in the 2000s. Some of that may be due to persecution. Some of that may be due to sort of natural leveling after an initial period of rapid growth in the 1990s.

I would say to your point of is it backfiring, I think the Soviet example should make Russia very aware that persecution is not going to eliminate the Jehovah's Witnesses. In the Soviet Union, nearly every single Jehovah's Witness--man, woman and child--in the Stalin period was deported. They were exiled overnight without warning to distant locations in Siberia.

And they were left out there until 1965. That didn't eliminate the Jehovah's Witnesses in the Soviet Union. So if that level of persecution under Stalin was not effective, then it's hardly reasonable for Russia to assume that its current methods are going to be effective in eliminating Jehovah's Witnesses. There is simply no country worldwide that has persecuted Jehovah's Witnesses and then has eliminated them entirely. And I don't think Russia is going to prove the exception to the rule on that.

Thank you.

COMMISSIONER CARR: Thank you.

CHAIR MANCHIN: Commissioner Perkins.

VICE CHAIR PERKINS: Yeah. I think I've got my voice back now.

CHAIR MANCHIN: Good.

VICE CHAIR PERKINS: All right. I would like to ask Ambassador Herbst kind of tying back to what we were just talking a minute ago. How active are representatives of the Russian Orthodox Church in formulating or implementing policies like the Russian World program discussed in your testimony?

Is this something that is being generated by activists within the Church or rather something that's being really imposed on the Church by the politicians, by the political leaders?

MR. HERBST: The policy of Russkiy Mir, or Russian World, is a Kremlin policy. And some hierarchs, the leaders in the Russian Orthodox Church, the MP, understand that when the Kremlin calls, they need to pick up the phone and say yes.

It's also true that the whole concept of Russian World is a concept that appeals to you might say traditionally patriotic Russians, and a fair number of Church hierarchs are, you might say

fit that description.

The problem, though, for them is that in Ukraine, MP following Kremlin policy has been bad for MP standing. This was true during my time, during the Orange Revolution when I served our Embassy in Kyiv. In fact, a Russian political technologist, Max Gelman, who was there to help Yanukovych win that election in 2004, wrote six months later that, in fact, the MP standing in Ukraine took a serious hit because of their support for a guy who was clearly trying to steal an election.

And the MP status in Ukraine has suffered much more as a result of largely their support for Kremlin aggression since 2014. But some Ukrainian hierarchs of MP understand this is dangerous and stay away from it. But others are enthusiastic supporters of that Kremlin policy.

VICE CHAIR PERKINS: Okay. Thank you, Ambassador.

CHAIR MANCHIN: Commissioner Maenza, I know--I just want to quickly, I know Commissioner

Bhargava has to leave early. So I was going to give--Anurima, do you have a question?

VICE CHAIR BHARGAVA: Sure. And I just saw that Dr. Clark was trying to get in. And so I don't know if you want to, if you want to just respond to the last question first and I can then ask mine.

MS. CLARK: I'll just be brief. I appreciated what Ambassador Herbst had to say. One of the things that I've seen is additional studies of social media and how it ends up being, the idea of Russian World has been received among sort of the general populace is that religion has become more of a marker than a deep-felt reason for fighting in Donbas or the support of the Russian World idea.

VICE CHAIR BHARGAVA: Thank you, Dr. Clark.

So this is a question for all of you, and I'll appeal to Dr. Clark and Ambassador Herbst to talk about Central Asian countries and even eastern Ukraine in this context.

I wanted to get a sense--we sort of spoke about regulations and laws as coming from Russia and even having roots in the Soviet legislation. I'm wondering if there are things that sort of strike you that are coming out of Central Asian countries and/or eastern Ukraine or elsewhere that you're concerned may spread within the region and have an influence going the other way?

And so I wanted to throw that out there as just things that we should be mindful of that may, in fact, end up impacting a number of countries in this region.

MS. CLARK: I appreciate the question. I think that we are seeing things that are coming out of Central Asia as well. We saw it with the question of proselyting was restricted in Central Asia considerably before it was restricted in Russia.

This idea that the state should have some kind of what they call "religious expertise" before they register a group is something that came out of Central Asia, and we've seen it show up in Russia

as well. It often ends up being a smart way to smuggle in opinions from dominant religious groups to keep out minority groups.

We've also seen restrictions on distribution of religious materials or restrictions of religious activity to physical places where they're registered. And I think I'm looking ahead with concern to see if some of those end up being imported into Russia as well.

MR. HERBST: I would just offer the general comment that, of course, with the possible exception of Kyrgyzstan, the Central Asian states were highly authoritarian from the moment the Soviet Union fell apart. And, of course, Russia at the time the Soviet Union fell apart was moving towards a more open society and even democracy.

So, in that sense, you're right that practices in religious area in Central Asia became practices in Russia although it's also true Russia had a long history of such practices.

COMMISSIONER MAENZA: Interesting. Actually my question fits perfectly as a follow-up

to both of your comments.

Dr. Clark, first of all, thanks to all of you for your wonderful testimony--really insightful. You talked about the sharing of worst practices. And so I was curious about, you know, with the success in Uzbekistan and I know, Commissioner Bhargava's question of the negative trends being shared both ways. How about any positive? Is there a chance Uzbekistan could inspire some positive change in the other--either in Russia or in the other Central Asian countries?

And has there been any positive, one, positive movements move the other, and is there anything the international community could do to inspire that as well and support that?

MS. CLARK: Yeah, I think there is hope for, certainly among Central Asia. There's a natural rivalry between Kazakhstan and Uzbekistan. I've seen that already as playing a role, but as Uzbekistan is making this front and center, changing laws, changing practices, suddenly Kazakhstan has become more interested in this again

and is convening groups to discuss and look ahead and reconsider legislation.

I think it's a great thing. I think the foreign policy establishment has an important role to play, and I think some of the encouragement and support are coming from the CPC list, right, or from comments from the Venice Commission or the OSCE or from USCIRF have all made a difference, that countries in Central Asia have long been neglected geopolitically and are looking to be able to balance off some of their strong neighbors with ties to the U.S. and the West as well.

And so I think that gives those involved in the foreign policy establishment opportunities to be able to work with them on some key issues like this.

MR. HERBST: I would simply add that Uzbekistan is clearly moving at least a bit away from its authoritarian, strong authoritarian past.

I would not overstate though that movement. This is a very conservative society, a conservative political elite, and they want to move

more in the right direction, but just not that far and not that fast. But we can encourage that.

CHAIR MANCHIN: Thank you.

Commissioner Bauer.

COMMISSIONER BAUER: I actually think that Nury might--my fellow commissioner Nury had a question first if you don't mind, Madam Chairman.

CHAIR MANCHIN: Oh, okay. I thought your hand was up there.

COMMISSIONER BAUER: I was getting ready to get second in line.

COMMISSIONER TURKEL: Commissioner Bauer, you can go ahead. I can wait.

COMMISSIONER BAUER: I think I've seen this skit on TV.

[Laughter.]

COMMISSIONER BAUER: My question is for the Ambassador, but anybody could jump in because I'm still a little confused about this.

So in Russia itself, there is a political reform movement. It's a little hard, as an American, to understand if it's strong or how

strong it is. There was a lot of news recently about the poisoning of its leader, presumably by elements of the Russian government.

But I was just wondering, that reform movement, which wants political reform in the direction of more democracy, does it make--does anybody know whether it makes as one of its platform planks more religious liberty in Russia or is arguing that as reformist movement, already under a lot of pressure, not wise because the country is so overwhelmingly associated with the Russian Orthodox Church?

MR. HERBST: We have a lot of contact at Eurasia Center of the Atlantic Council with people who are in the opposition, the real opposition in Russia. They are truly democrats, truly open society types who believe in religious freedom along with all the other freedoms.

That said, your political observation was astute. Navalny, for example, has not disavowed Kremlin aggression in Crimea, which is a bow towards political reality in Russia. But in the

area of religious freedoms, I'm unaware of any, any you might say sidesteps on their part. I think they are forthright. It doesn't mean they're necessarily going to be out there advocating for specific religious groups like Jehovah's Witnesses, but in general the policies they recommend would mean true religious freedom if they are, in fact, implemented.

COMMISSIONER BAUER: Thank you.

CHAIR MANCHIN: Okay. Commissioner Turkel.

COMMISSIONER TURKEL: Thank you very much. Thank you all for joining us today.

I have a few rather simple questions. One, the first one, we recently had a hearing on surveillance technologies being used for religious persecution, and we've been told that China has exported its surveillance technology to over 80 countries. And when I look at the list, pretty much every country that we've discussed or covered today included on that list.

So how is technology playing, have been

used in Eurasian countries that we covered today in religious persecution, one?

And two, we haven't mentioned the SCO, Shanghai Cooperation Organization, established at the request or initiation by Russia and China, one of its unstated goals is religious persecution, watching out, keeping an eye on the religious community. So is it still active? Does it have any program, any policies targeting religious minorities?

And, finally, when we--you know I'm personally very pleased to see some positive developments in Kazakhstan and Uzbekistan. Should we be mindful that when we promote religious freedom in these countries that there are also elements in the society that wanted to use religion to achieve its political objectives?

Uzbekistan has very well-known cases, the cases of Tahir Yuldashev, Juma Namangani--I know that they're not in the picture, but that element, as Ambassador Herbst pointed out, part of the conservative society. So should we be mindful of

that, reemergence of that kind of forces in the region while we're promoting religious freedom?

DR. BARAN: I can speak briefly on the technology issue. I mean one sort of opposite point that we might make is that technology or what exists in the 21st century enables religious groups to do things that they just simply couldn't do in the Soviet period.

And while the Soviet Witnesses' history is one of sort of remarkable endurance and creativity under Soviet prosecution, what's possible now with the Internet, with phones, wasn't then, and so one of the, on the one hand, the Russian government has--I'm sure Maria could speak to this in much more detail because they've done quite a lot about the Internet restrictions as part of the anti-extremism law.

So on the one hand, you cannot literally get to the Jehovah's Witnesses' website if you're in Russia. You will get a message that says it's blocked.

On the other, there is apparently nothing

preventing you from downloading their app, which they use in world evangelism. And so while publications are being restricted in some ways, in other ways technology is enabling witnesses who now cannot legally get access to their publications, any of their publications or their Bible, for that matter, to still have that literature.

And there is some risk for that. I mean I have heard that some house searches have involved searches of technology, that one of the things they're looking for are the Witness apps, but the reality is you can still get them, and so I would say that technology is kind of, it's complicated.

It both enables resistance to religious persecution and enables the state to take measures to control religion.

MR. HERBST: I wouldn't mind jumping in here too. First, Commissioner, it's great to see serious attention paid now to the horrific treatment of the Uighurs by the Chinese authorities, which wasn't true when you and I met in February of 2019 at the Atlantic Council.

COMMISSIONER TURKEL: Right.

MR. HERBST: Regarding one of your observations, I think you're absolutely right that for us to be effective promoting religious freedom, especially in Central Asia, we need to be sensitive to the fact that there are legitimate extremists using religion as a weapon and conducting terrorist activities because I know from my time in Uzbekistan, the authorities are focused on this. They see this as a serious problem.

And at that time, the early oughts, we thought so too. They should not be able to use that, that cover, to go after people who are not extremist, people who are not violent. But we have to recognize there is a problem with Islamic extremism in Central Asia.

COMMISSIONER TURKEL: Thank you. Thank you.

MS. CLARK: If I may, I'd second what both our panelists have said. I think what we see with technology, it's interesting. Meeting with some officials in Kazakhstan and Uzbekistan, they want

to continue the invasive and predistribution restrictions on religious literature and religious materials, religious ideas.

But even they struggle sort of how do we do that when those ideas are being passed on the Internet. At this point, they haven't moved in sort of the full realm of restrictions that China has although that's certainly worrying, as you mentioned, Commissioner Turkel, about material being shipped from China elsewhere.

And also on the comment, to respond to the comment about the conservative political establishment, I think it's crucial to recognize that, that this is a dangerous neighborhood, that there are concerns, particularly in Central Asia, of individuals who have gone off and joined ISIS and they're returning.

I think in discussions with them, the key has to be to define ways and discuss ways where security is understood to reinforce and be reinforced by freedom of religion or belief.

There's this wonderful OSCE paper that has

graded vision on the front trying to explain that security and religious freedom tend to be where many people put in competing baskets or on a weighted scale where, yes, religious freedom is nice, but let's be realistic, security is far more important.

And what I think can be done in more nuanced way is to have high standards, the Ambassador saying where there still is, of course, room to prosecute those engaged in violent activity. Those laws are not going off the books. But to realize that being a little more open and a little more welcoming of religious organizations and religious voices generally will actually increase security as individuals don't feel that their only choice is to turn to a radical group because all other voices are silenced.

COMMISSIONER TURKEL: Thank you. Thank you very much.

MS. KRAVCHENKO: I can add something about the technology and the prosecution of religious minorities, that now one of the main types of

evidence which are used against the believers in courts, these are wiretapping of religious meetings as well as evidence by secret, by the secret witnesses who penetrate the communities.

And of course there are many incidents of blocking, blocking information of religious organizations on the Web, but I can say that they are not very effective. Yes, Jehovah's Witnesses, for example, Jehovah's Witnesses' website is blocked now in Russia. However, it's not big problem to access it by different ways.

COMMISSIONER TURKEL: Thank you. Thank you.

CHAIR MANCHIN: Thank you.

Well, we are quickly, unfortunately, running to the bewitching hour, but I would just, a brief statement by each of our panelists, if you could, as we look at, as we're talking about religious freedom in Russia.

Do you believe that the religious component and how that works into the ethnic identity of Russia, is this a totally post-Soviet

phenomena or do you think there are deeper roots to this integration of a religious component and to the ethnic identity?

And Dr. Clark, why don't we just start with you? We'll just kind of go down through.

MS. CLARK: Thank you.

I think, appreciate the question. I think the religious component of understanding of religion in ethnic terms dates back to the czarist era actually where Muslims and the Russian Orthodox Church in particular were seen as part of the support of the state and it had a role.

This continued through the Soviet era and into the current era where the assumption is that there are going to be official organizations of Orthodox and of Muslims. It was mentioned earlier about the SAM, the sense that there's an official Muslim group and you need to be part of that Muslim group or you're somehow against the political order.

And so you see this extensive root system in the assumption that religion should be a certain

ethnicity or ethnic group should be a certain religion. I've heard people in Central Asia refer to themselves as "ethnic Muslims" or even we see in the registration of recent groups in Uzbekistan, which is a positive movement, but they're all with groups that were non-Uzbek ethnicity because the assumption is that if you're Uzbek, then you're going to be Muslim. And so I think this is a matter of law and policy; this is something that is very tightly wound in there, and it goes way back.

CHAIR MANCHIN: Thank you.

Dr. Baran.

DR. BARAN: I guess I would say that there's obviously something Russian about what's happening. There's something that is rooted in history. But to look at the Witnesses I think is a cautionary tale against making this just a Russian tale. We don't have to go extremely far back in our own history to recall that Jehovah's Witness children were removed from our school systems for refusing to say the Pledge of Allegiance.

We have very extensive case law at the

Supreme Court about Jehovah's Witnesses in the United States, precisely because they were not always allowed full religious freedom in the United States, and we're not unique either.

We could look at any number of democratic countries and find quite extensive case law. At the European Court of Human Rights, much of the religious freedom case law is about Witnesses.

I would say they're a really important barometer of a society's respect for full religious freedom and freedom of conscience, and so just as the United States has granted Jehovah's Witnesses full religious freedom now, I think Russia's retreat on that position is worrying, and I think it has implications that go well beyond the Witnesses. And so I would just leave it there.

CHAIR MANCHIN: Thank you.

Maria. Maria, would you like to make sort of a final statement about the religious ethnic connection with Russia, the roots?

MS. KRAVCHENKO: Well, I think that's the ethnic component is, is not, is not something

general for the Russian authorities to treat the religious communities. I think there are some, some different ideas about this, and of course one of them is, is this foreign influence. That's right. And that's true for Jehovah's Witnesses and for Scientologists, for example, as well as for, for example, for the Said Nursi leaders who were persecuted in Turkey, and it was some foreign political ideas which were basis for their prosecution in Russia.

So I think that ethnic component is something crucial in Central Asia, of course, but it's not, it's not so important in Russia. There are some different things that are important for--

CHAIR MANCHIN: Thank you.

And, we'll, Ambassador, allow you to have the last word on this.

MR. HERBST: Okay. Thank you.

I would just make the following point. I mean for centuries the religion in Russia, whatever Russia was called in those centuries, was Russian Orthodox. So there is a natural identification

among ethnic Russians with Russian Orthodox.

But that does not necessarily mean that the Russian population endorses the policies that we are here describing and criticizing.

Those are straight state-driven policies meant for purposes of state control, and it's easily enough to imagine Russia where most ethnic Russians remain in some form affiliated with the Russian Orthodox Church yet the state does not pursue these nasty policies. And I think that should be our objective to help encourage that sort of development. And I think this Commission does wonderful work towards that end.

CHAIR MANCHIN: Thank you so much.

Again, on behalf of USCIRF, I want to thank our distinguished guests. I want to thank Representative Joe Wilson for joining us this morning. I certainly want to thank the USCIRF staff for the wonderful work they did in coordinating and making this all possible today.

And last, but certainly not least, our audience that joined us today to hear this

insightful discussion around religious freedom in Russia. Please know that all of the testimonies will be up on our website so you certainly can go, encourage your friends and others to listen to this hearing through our website.

Thank you for joining us, Commissioners. Thank you for being with us today and add to the interest with your questions and, again, to all of you out there, thank you for joining us today.

Good-bye.

[Whereupon, at 12:05 p.m., the hearing was adjourned.]