

**Commissioner Elizabeth Prodromou**  
**U.S. Commission on International Religious Freedom**  
**Draft Hearing Remarks**  
**Russia's Misuse of Extremism Laws against Religious Communities**  
**Conference on Religious Freedom in Russia at the European Parliament**  
**Sponsored by Human Rights without Frontiers International**  
**November 15, 2010**

## **Introduction**

Good morning.

I'm Elizabeth Prodromou and I serve as vice chair for the U.S. Commission on International Religious Freedom (or USCIRF). This is an independent, bipartisan commission created by the United States Congress through the International Religious Freedom Act of 1998 (IRFA).

Our job is to monitor the status of freedom of thought, conscience, religion, and belief around the world. These freedoms are defined in the Universal Declaration of Human Rights and related international instruments. Along with reporting our findings, we provide independent policy recommendations to the President of the United States, the Secretary of State, and members of Congress.

Since 1999, our commission has been reporting on the status of religious freedom or belief in Russia. In 2009, we placed Russia on our "Watch List" of countries requiring close monitoring due to the serious nature and extent of the religious freedom violations engaged in or tolerated by their governments. As of now, Russia remains on USCIRF's Watch List in 2010.

Our concern about Russia revolves largely around the government's anti-extremism legislation as it pertains to religious groups.

Now let's be clear. Russia faces legitimate, serious threats from groups which advocate or perpetrate violence in the name of religion. This is a major security concern, not just in Russia, but in other nations.

There is a problem, however, with Russia's approach to the challenge. It defines extremism in such a way that religious groups that neither practice nor preach violence fall under that category. Moreover, Russian authorities apply anti-extremist laws in an overly broad and arbitrary manner. The result is a repeated and heavy-handed use of the law against religious adherents who pose no credible

threat to security, and whose only “crime” is a failure to conform to mainstream ideas and beliefs.

Make no mistake: This is a fundamental violation of human rights and religious freedom. As such, it requires vocal, resolute opposition by the United States and other nations.

### **Provisions of the Russian Extremism Law**

So what exactly does Russia’s law on extremism say?

Let’s examine the language.

The original 2002 law prohibits, and I quote, “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, it was further broadened specifically to exclude the requirement of violence or the threat of violence as part of its description of prohibited activity.

But it gets worse. Under the 2007 changes, once people and organizations are labeled “extremist” under the law, anyone who defends or expresses sympathy for them becomes subject to the same charge.

In short, what we have today in Russia is a law that makes it illegal simply to publicize the notion that one’s own beliefs are superior to the beliefs of others. That’s how Russian officials have interpreted and applied the language.

We have a law in Russia that labels certain people and groups as extremist even in the absence of violence or the threat of violence.

And we have a law in Russia that penalizes individuals for speaking out in favor of other people and groups who are deemed extremist.

## **Extremist Religious Literature?**

Clearly, Russia's current approach to religious freedom is deeply problematic.

And by any measure, Russia's Extremism Law takes an especially hard-line approach to literature.

Under the law, any Russian court may rule any text to be extremist. Once that happens, the offending text is added to the Justice Ministry's Federal List of Extremist Materials and is banned throughout the country. Anyone engaged in its mass distribution, preparation, or storage is subject to criminal prosecution, with penalties ranging from payment of a fine to five years in prison.

Since its establishment in 2007, the Federal List of Extremist Materials has come to include more than 700 titles. Islamic materials reportedly constitute most of the religious items on the List. The chair of Russia's officially approved Council of Muftis, Ravil Gainutdin, is deeply concerned. He has accused some local courts of "poor understanding of religious and theological issues," noting that courts had banned books recommended by his own council, including "The Personality of a Muslim," a Koran-based life guide that espouses kindness toward Muslims and non-Muslims alike.

Boris Reznik, a noted Russian defense lawyer who is both a member of the Moscow Helsinki Group and the Public Chamber, has expressed concern with the power given to the courts. Speaking at this year's OSCE Review Conference, he called for the law to be amended so that only the Russian Supreme Court can rule on whether literature is extremist. It remains to be seen whether such a step will be taken.

In 2007, a Russian court banned the Russian translations of fourteen parts of *Messages of Light*, which are commentaries on the Koran and Islam by Said Nursi, a Turkish theologian. Currently, the Muftiate in the Siberian region of Krasnoyarsk is challenging a September 2010 lower court decision to ban another Nursi text. A lawyer has filed a case in the ECHR challenging the earlier ban on Nursi's works.

| Russia's Human Rights Ombudsman, Vladimir Lukin, also denounced the 2007 ban on Nursi's writings, warning that "it is very important that we do not allow interference in the convictions and beliefs of millions of citizens on the poorly

grounded, unproven pretext of fighting against extremism.” Since the 2007 ban, there have been dozens of police raids throughout Russia during which Nursi’s works were seized and criminal charges made against individuals.

More recently, official accusations of extremism have been leveled against the Jehovah’s Witnesses. In December 2009, the Russian Supreme Court upheld a court decision liquidating the Jehovah’s Witnesses congregation in the city of Taganrog, partly on the grounds that 34 of its texts are extremist. As a result of this ruling, all of the congregation’s property will be seized and it will no longer be allowed to meet as a community. In addition, in January 2009, a city court in Altai, in the Gorno-Altai republic, ruled 16 Jehovah’s Witness publications extremist. Since these rulings, numerous members of the Jehovah’s Witnesses community across Russia have been detained by police for up to several hours, usually without official documentation.

Jehovah’s Witnesses view their recent treatment as reminiscent of the Soviet era. In February 2010, 160,000 of its members distributed 12 million copies of a publication making this comparison and refuting allegations that they constitute extremism. In Nizhny Novgorod in late February 2010, the police responded by detaining two Jehovah’s Witnesses, including a minor, for distributing this leaflet. Although the father tried to enter the room where his son was detained, the son was initially interrogated alone. When the boy refused to answer questions, he reportedly was told that documents confirming he had parents would be burnt and that he would be shipped to an orphanage.

In February 2010, police in the city of Kaluga, acting on a tip about a so-called sect using “extremist” literature, raided an ordination service attended by Archbishop Iosif Baron of the Augsburg Lutheran Church. During the one-hour search, copies of the Bible and hymnals were the only texts discovered; nevertheless, the church’s pastor was summoned to the local police station.

### **The Russian Extremism Law and Islam, including in the North Caucasus**

Now again, this is not to say that Russia faces no physical threats from people and organizations acting in religion’s name. In the North Caucasus region alone, the ongoing violence is proof positive that such dangers exist. Among Russia’s 20 million Muslims, the country’s second largest religious community, a post-Soviet revival has been accompanied by openness in some quarters to the temptations of radicalism.

As seen in this year's terrorist attacks in the Moscow metro, Russia faces genuine threats from domestic terrorism, particularly related to the North Caucasus violence. The United States has recognized this problem by including Doku Umarov, the head of the Islamist resistance in the North Caucasus, on its official foreign terrorist list. The region faces chronic instability due to severe economic dislocation and certain radical foreign influences on indigenous Muslims, as well as endemic corruption and local political grievances, particularly in Chechnya, Dagestan, Ingushetia, and Kabardino-Balkaria.

But again, legitimate threats are one thing; a government depriving innocent people of their right to freedom of religion or belief is quite another. Human rights groups report that, particularly in the North Caucasus, Muslims who are seen as "too observant" have disappeared, been killed, or been arrested on vague official accusations of Islamist extremism or for the alleged display of Islamist views, without any proven links to Islamist militancy.

Indeed, the Russian government has equated those who practice Islam outside of government-approved structures with extremists and even terrorists. In an official order in 2008, the Russian Federal Security Service (FSB), the General Prosecutor, and the Ministry of Internal Affairs accused "Muslim communities and preachers not dependent on the Muslim Spiritual Directorates (MSDs)" of "extremism under cover of Islam." The director of the Interior Ministry's Department for the Prevention of Extremism has insisted that young Muslims who refuse to participate in the official MSDs had "transformed themselves" into anti-government militants.

There are also at least 200 cases of Muslims who have been imprisoned on the basis of evidence -- including banned religious literature, drugs, or weapons -- allegedly planted by the police. In 2008, Muslim prisoners in Russia filed a case at the European Court for Human Rights alleging that officials had mistreated them due to their religion. In 2009, Amnesty International accused the Russian Internal Ministry's Center for the Prevention of Extremism (known as Center "E") of engaging in torture to extract confessions from suspects. Some Muslims have claimed that they were beaten or tortured in an effort to force them to testify against other suspects.

In April 2008, the Russian Supreme Court banned "Nurdzhular"— who are alleged groups of followers of Said Nursi—as an extremist organization, despite serious questions as to whether such groups even exist. In May 2009, the Russian Supreme Court similarly banned *Tabligh Jamaat*, a group characterized by the U.S. State Department as an "Islamic missionary organization" not known to have

used or advocated violence. Human rights groups are concerned that these rulings have facilitated arbitrary detentions, convictions, and imprisonment of hundreds of individuals on extremism charges for unproven ties to prohibited groups.

### **Extremist Russian Leader in Chechnya?**

Ironically, while Russia includes non-violent groups and individuals under the extremism law, it lets Chechen strongman Ramzan Kadyrov -- who rules its most lawless republic -- operate freely. Russia has the highest percentage of cases at the European Court of Human Rights, and cases involving Chechnya are disproportionately represented. For the past five years, the European Court has ruled against Russia in at least 160 cases concerning Chechnya; disappearances of civilians represent the largest category of these cases. Kadyrov condones or oversees mass violations of human rights and humanitarian law -- including religious freedom -- by military forces, including his own militia.

Kadyrov also stands accused of involvement in the murders of numerous political opponents and human rights activists. The most frequent targets seem to be those who bring human rights violations to international attention, particularly to the European Court of Human Rights, as well as critics of Kadyrov and his government. At least six Chechen opposition leaders were killed in 2009, including Umar Izrailov, who had filed a case against Russia at the European Court and was shot dead in Vienna in January. In July of that year, Natalya Estimirova, a leading Chechen human rights activist, was kidnapped in Chechnya. Her body was found in nearby Ingushetia. Numerous Russian human rights activists, particularly Oleg Orlov, head of the NGO "Memorial," have accused Kadyrov of involvement with Estimirova's killing. Orlov himself is now standing trial because Kadyrov has accused him of libel. Echoing Stalinist times, Kadyrov has also declared that members of "Memorial" are "the enemies of the people, enemies of the law and of the state."

Since being named head of the republic in 2007, Kadyrov has made it a point to exploit Islam, manipulating its practice to serve his own ambitions. He has asserted, and I quote, that "Chechnya is 100 percent Muslim, and the spiritual revival of the population is essential for the rebuilding of the republic. No one can tell us not to be Muslims. If anyone says I cannot be a Muslim, he is my enemy."

In 2007, Kadyrov decreed that all women must wear headscarves in public buildings. More recently, he has encouraged attacks on those refusing to wear the hijab and has justified polygamy and honor killings. His campaign to win the

favor of Muslims includes an ambitious program of mosque construction. In 2008, he opened what is reputedly Europe's largest mosque. Four new mosques were opened in 2009 and more are planned. This year, Kadyrov instituted the ideological vetting of all imams and dismissed those found lacking; ordered a uniform schedule for daily prayers; and named an Islamic theologian to run a new website to promulgate Sufism, Islam's traditionally dominant branch in Chechnya. Kadyrov also oversees various indoctrination channels, such as the official clergy, the official media, and the education system.

## **Recommendations**

Speaking for the U.S. Commission on International Religious Freedom, I believe that the international community should adopt policies to respond more effectively to Mr. Kadyrov's flouting of international human rights law

It should implement a U.S. visa ban and asset freeze against Kadyrov due to: his leadership of the Chechen armed forces, which the European Court for Human Rights has found responsible for severe human rights abuses; his alleged killings of political opponents and local human rights activists; and his institution of strict sharia law in Chechnya in violation of international religious freedom standards.

In terms of the situation for Russia as a whole, USCIRF asserts that the issue of freedom of religion or belief is both a human rights matter and a security concern. Not only should Russia's extremism law be amended, but the abusive way in which the law is applied needs to be reformed. These steps would go a long way to limit abuses of fundamental liberties in Russia and also would diminish the risk of radicalizing the Russian population.

This needs to be made a higher priority in the bilateral relationship.

USCIRF has issued 44 specific policy recommendations to promote human rights in Russia, including freedom of religion or belief, which can be found on the Russia page of our website, [www.uscirtf.gov](http://www.uscirtf.gov).

In our May 2010 Annual Report and a June 2010 letter to President Obama, USCIRF urged the U.S. government to press Russia to reform its extremism law and to stop using that law against religious and other groups like the Jehovah's Witnesses that neither use nor advocate the use of violence.

USCIRF has recommended that the Russian extremism law be amended to address only acts that involve violence or incitement to imminent violence, and drop bans on non-violent organizations, literature and religious communities. The provision that allows any court to declare literature extremist, resulting in its ban throughout Russia, should also be amended. In addition, Russian law enforcement agencies should halt current investigations, and reconsider previous legal cases, against individuals and organizations accused of extremism for their peaceful exercise of internationally protected rights, including freedom of religion or belief.

The US Congress has also noted the Russian government's discriminatory policies against religious groups, including the excessive use of the extremism law. As a result of these policies, Congress passed a law, referred to as the "Smith Amendment," restricting U.S. financial assistance to the government of the Russian Federation. The provisions under this law should be fully implemented.

In conclusion, it is our hope that the United States government and the community of nations will take religious freedom more seriously across the globe, including the situation in Russia, as underscored by its Extremism Law. There is no more fundamental human right in the world than the right to believe or not to believe, practice or refrain from practicing, a religion as a person sees fit.

Thank you.