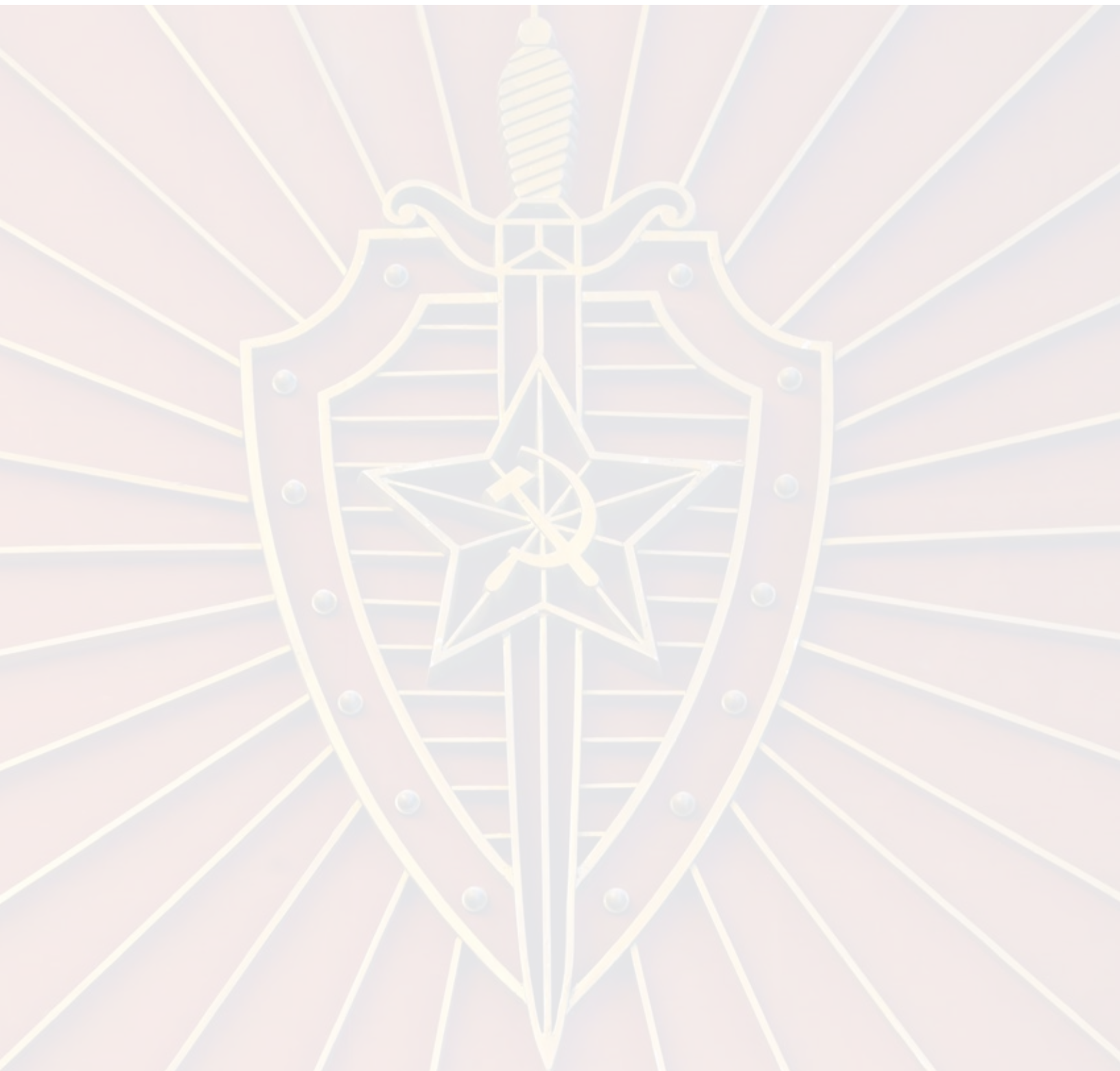


INVENTING EXTREMISTS

The Impact of Russian Anti-Extremism Policies
on Freedom of Religion or Belief



UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM



Headquarters of St Petersburg and Leningrad Region Branch of Russian Federal Security Service

ST PETERSBURG, RUSSIA - DECEMBER 16, 2017: Bolshoy Dom [Big House] in Liteyny Avenue, the headquarters of the St Petersburg and Leningrad Region Branch of the Russian Federal Security Service (FSB). Alexander Demianchuk/TASS (Photo by Alexander Demianchuk\TASS via Getty Images)



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By Maria Kravchenko

JANUARY 2018

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WHO WE ARE

The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan U.S. federal government commission created by the 1998 International Religious Freedom Act (IRFA) that monitors the universal right to freedom of religion or belief abroad. USCIRF uses international standards to monitor violations of religious freedom or belief abroad and makes policy recommendations to the President, the Secretary of State, and Congress. USCIRF Commissioners are appointed by the President and Congressional leaders of both political parties. The Commission's work is supported by a professional, nonpartisan staff of regional subject matter experts. USCIRF is separate from the State Department, although the Department's Ambassador-at-Large for International Religious Freedom is a non-voting, *ex officio* Commissioner.

WHAT IS RELIGIOUS FREEDOM

Inherent in religious freedom is the right to believe or not believe as one's conscience leads, and live out one's beliefs openly, peacefully, and without fear. Freedom of religion or belief is an expansive right that includes the freedoms of thought, conscience, expression, association, and assembly. While religious freedom is America's first freedom, it also is a core human right international law and treaty recognize; a necessary component of U.S. foreign policy and America's commitment to defending democracy and freedom globally; and a vital element of national security, critical to ensuring a more peaceful, prosperous, and stable world.

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EXECUTIVE SUMMARY

The U.S. Commission on International Religious Freedom (USCIRF) commissioned this report to examine Russian anti-extremist legislation, corresponding law enforcement practices, and their effects on freedom of religion or belief from 2011 to 2017. The research is focused on how the very regulations that ostensibly protect people and organizations from religious intolerance are instead used to sanction people and organizations for activity or speech based on their religious belief or lack thereof.

Vague and problematic definitions of “extremism” in Russian law give the authorities wide latitude to interfere in peaceful religious observance and persecute believers. Although many of these legal tools have existed for a decade, the Russian government has only recently begun to wield them in sustained campaigns designed to punish or exclude “non-traditional” religions and religious movements, sometimes in concert with the wishes of the Russian Orthodox Church, which functions as a *de facto* state church. However, the overly broad laws also give rise to a gamut of absurd and contradictory prohibitions and prosecutions that demonstrate the fundamental ambiguity of the government’s official definition of extremism.

The legal tools include the placement of print and audiovisual media on a federal list of banned materials, 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. Reflecting the arbitrary and opaque nature of the anti-extremism legislation, additions to the banned materials list occur with no input from authors or publishers and are simply based on opinions written by “experts” affiliated with law enforcement agencies. These written opinions are then rubber-stamped by courts. Such measures may be used individually or in concert to build a wider case for delegitimizing an entire community, as in the case of the Jehovah’s Witnesses, who were first the subject of

literature bans, then fines and raids, and later a Ministry of Justice motion to ban them in their entirety.

The main targets of Russia’s anti-extremism policies have typically been Muslims, ranging from fundamentalist groups like Hizb ut-Tahrir to the missionary movement Tabligh Jamaat to readers of the texts of Turkish theologian Said Nursi. Since a wave of anti-government protests in 2011, however, the Russian government has engaged in a wider ranging crackdown on non-Muslim denominations, including those whom the Russian Orthodox Church has traditionally disapproved of, such as the Jehovah’s Witnesses, Scientologists, and break-away Russian Orthodox Autonomous Church.

In addition to targeted campaigns, the open-ended character of the extremism legislation and spin-off prohibitions regarding “missionary activity” and “insulting the feelings of believers” is such that excessive fines and absurd bans have led to backlash. For example, courts have been forced to reverse decisions about the extremist materials list after adding the Bhagavad Gita and collections of Qur’anic verses created an international uproar. In this climate, atheistic statements on an online bulletin board or lectures on yoga have been enough to attract prosecutorial attention, while controversial art exhibitions have been the subject of investigations.

Overall, the policies of the Russian government in the religious sphere are part of a wider process of establishing ideological control over society, reflecting the regime’s fears about unresolved social and economic problems that have accumulated over the last several decades. Insofar as the current Russian government emerged from the security services and wields them to enforce its authority, officials attempt to resolve all issues with new repressive legal regulations and fear-inspiring tactics.

RUSSIAN ANTI-EXTREMIST LEGISLATION

Russian legislation focused on extremist groups and religious associations provides the state with the means of active intervention 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,¹ on which other norms are based. 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. Although this provision was most likely intended to prevent incitement of hatred on religious grounds, the law on extremism does not specify whether incitement to violence or discrimination is crucial in assessing public statements. As a result, any discourse—from literature to debates on spiritual topics—about the merit of a particular religion or critical of others can be characterized as extremist activity.

This broad definition has given Russian law enforcement agencies generous leeway to exert influence over unwelcome religious trends. Notably, many different aspects of religious community life authorities deem suspicious, including unusual religious practices or principles inconvenient for the state (for example, refusal to serve in the military). Further, the often opaque nature of “non-traditional” religious communities raises fears of alleged links to terrorism and undesirable foreign influences.

This pervasive suspicion is reflected in the use of the adjective “non-traditional” and the term “cult” (in Russian, *sekt*), which have become firmly entrenched in the official vocabulary. They are used to refer to faith communities other than those that are “traditional” for Russia and that enjoy the state’s protection. The “traditional” religions include Orthodox Christianity, official Islam, Judaism and Buddhism, although, in practice, their respective statuses differ.² Yet, such an approach is antithetical to combating hate crimes and discrimination, an effort which is generally implemented to protect minori-

ties. Representatives of religious minorities in Russia instead fill the ranks of “religious extremists,” regardless of whether they pose any actual danger to society.

Under the “anti-extremist” law, Russian authorities apply various measures to contain “religious extremists.” Sometimes used independently of each other, these measures include the prohibition of materials (books, videos, websites) on the grounds that they promote the superiority of one religion over others. This prohibition may be followed by fines for believers and organizations for distribution of (or even possession “with intent to distribute”) prohibited materials under the Code of Administrative Offenses (Article 20.29 CAO). Believers may be prosecuted for inciting religious hatred (Article 282 of the Criminal Code), followed by a warning to the religious organization about the impermissibility of extremist activities. Further, a religious organization may be subject to liquidation and prohibition for extremism, and its believers prosecuted for continuing the activities of the banned organization (Article 282.2 of the Criminal Code). Along with anti-extremist legislative instruments, a wide range of other measures has been used against religious organizations, including administrative punishments for violating legislation on religious associations, which, like anti-extremist legislation, is rapidly getting more stringent.

Typically, bans on religious literature trigger other anti-extremist enforcement mechanisms. It should be noted that, in most cases, representatives of authors or publishers, interested in preventing the ban from being imposed, play no role in civil litigation proceedings to brand the materials as extremist. More often than not, they learn about the decision of the court weeks or even months later, after the deadline for appeal has long passed. A prosecutor’s office files a claim in court along with an expert opinion attached to it. This opinion is frequently provided by experts from research institutions affiliated with law enforcement agencies. Most often these experts entrusted with the analysis of

religious texts, as well as other texts under investigation for “extremism,” are from the fields of linguistics or psychology. Law enforcement agencies and courts engage religious studies specialists only in exceptional cases; their opinion can also be requested by a petition from an interested party involved in the process.

At the same time, contrary to procedural norms, experts are often charged with answering legal questions. Such questions, which are solely within the court’s purview to answer, include: “Does the material contain signs of inciting hatred?” As a rule, courts prefer not to waste time studying materials, but decide the claims automatically, relying on the opinion of prosecutors and experts. In many cases involving scores of materials, decisions have been made all at once, treating the materials as a “single complex” of texts. Given the simplicity of this scheme, and the fact that the state requires law enforcement agencies to demonstrate quantitative proof of their achievements in combating extremism, it becomes clear why the Federal List of Extremist Materials,³ in existence since 2004, has exceeded 4,000 entries in 2017. Obviously, this huge document is challenging to navigate, let alone monitor for updates. Consequently, individuals who had no idea that they were distributing or storing something illegal are often charged with distribution of prohibited materials. It is worth noting that prior attempts to challenge the legal basis of these unfair practices have failed. The Russian Constitutional Court believes that the definition of extremist activity is sufficiently clear and can be used as a basis to prohibit books and other materials. At the same time, the Constitutional Court, paradoxically, cites the norms of Russian and international law guaranteeing observance of freedom of speech and freedom of conscience.⁴

In 2011—the first year under our review—it seemed that the Russian authorities recognized the most blatant shortcomings of anti-extremist legislation and were attempting to remedy the situation, at least partially. The Supreme Court of Russia adopted a resolution⁵ to clarify for law enforcement some of the unclear provisions of the legislation on extremism. The Supreme Court pointed out that prosecution for distribution of prohibited materials under Criminal Code Article 282 (incitement to hatred), rather than under Administrative Code Article 20.29, was possible only in the cases where a direct intention to incite hatred

could be proven. Presumably, without this clarification, the number of criminal cases for inciting religious hatred would have been much higher. In addition, the Supreme Court noted that “*criticism of political, religious and ideological associations and beliefs, as well as national and religious customs*” in and of itself, in the absence of statements that justify or affirm the need for “*genocide, mass repressions, deportations, and other unlawful actions, such as the use of violence, against members of a ethnicity, race, adherents of a particular religion and other groups of persons*” should not be regarded as an incitement to hatred. Unfortunately, the court hearings on extremism-related criminal cases tend to ignore this particular Supreme Court clarification and do not take it into account when considering claims for banning materials. In addition, the Supreme Court banned asking experts any questions related to legal assessment of the case, with a reminder that, in accordance with the law, such questions can only be decided by the court. Nevertheless, this ban has been constantly violated.

In addition, the law that provided measures to soften the Criminal Code, including its anti-extremist articles, entered into force in 2011.⁶ In particular, crimes falling within the scope of Part 1 of Article 282 and Parts 1 and 2 of Article 282.2 were reclassified as minor crimes, for which, in the absence of aggravating circumstances, loss of liberty is not applied as punishment. These amendments would have made it possible to avoid prison terms issued for speech or for belonging to a banned religious group. However, within three years, these amendments lost force with respect to anti-extremist articles.

In 2012, after a series of public protests, including events on Bolotnaya Square in Moscow, the Russian authorities abruptly changed their approach and moved to expand the campaign of “combating extremism.” The new legislative measures were aimed primarily at suppressing political opposition, but the situation of “non-traditional” religious groups has also begun to deteriorate since the overall policy of toughening extremist legislation was adopted. The same dynamic applies to the law on blocking online information harmful to children,⁷ which simplified the mechanism for making court decisions to block websites that contain materials recognized as extremist. Similarly,

amendments to Article 20.3 of the Administrative Code⁸ legalized the vicious practice of applying penalties for displaying prohibited symbols in the absence of the corresponding propaganda intent. The notorious case related to the performance of the Pussy Riot punk band in the Cathedral of Christ the Savior, discussed later in this report, served as an excuse for advocates of the privileged position of the Russian Orthodox Church (ROC) to become more active. Several factions in the State Duma issued a call “to give a firm rebuff to destructive forces, praising anti-religious extremism, vandalism and hooliganism, inciting hatred towards the Russian Orthodox Church and other religious organizations in society”⁹ and drafted the corresponding bill. At the same time, however, new initiatives aimed at a more stringent regulation of the activities of religious organizations were introduced.

All these legislative projects were implemented in 2013. The draft bill on insulting religious feelings, proposed by the deputies, sparked a strong reaction from the press and public organizations, and protests by human rights activists. As a result, it was adopted with significant amendments. The most odious provisions were excluded from the bill, in particular, the ones that discriminatorily protected religious feelings only for “religious associations professing religions that form an integral part of the historical heritage of the peoples of Russia.” Nevertheless, the law introduced significant amendments to Article 148 of the Criminal Code (“Obstruction of the exercise of the right to freedom of conscience and religion”) and Article 5.26 of the Code of Administrative Offenses (“Violation of the legislation on freedom of conscience, religious freedom and religious associations”), changing the composition of both articles, as well as the corresponding sanctions.¹⁰ The text of Article 148 of the Criminal Code came to include responsibility for “public actions expressing obvious disrespect to society and committed with intent to insult the religious feelings of believers” in the form of a large fine or imprisonment for up to a year. The punishment could extend up to three years, if such actions are committed in places of worship.

The introduction of such a legislative norm was clearly redundant, as its purpose was already served by the articles on “hooliganism” (Article 213 of the Criminal Code) and the incitement of hatred (Article 282 of

the Criminal Code). It is also obvious that the wording, chosen by legislators, has no clear meaning and is inappropriate in the legislation of a secular state. The same criticisms apply to the new content of Article 5.26 Part 2 of the Code of Administrative Offenses, which prescribes a penalty for “deliberate public desecration of religious or liturgical literature, objects of religious veneration, signs and emblems of ideological symbols, and their damage or destruction.” The concept of “desecration” is ecclesiastical, and does not have a clear meaning in the context of secular law. It is also not entirely clear which signs and emblems of “ideological symbolism” fall under legal protection.

In 2013, the federal law “On Freedom of Conscience and Religious Associations” was amended to prohibit foreigners or stateless individuals “against whom in accordance with the procedure established by the legislation of the Russian Federation a decision was made on the undesirability of their stay (residence) in the Russian Federation,” as well as persons whose activities have been recognized by the court as extremist, or subject to the law on combating the laundering of criminal proceeds and the financing of terrorism, from becoming a founder, a participant or a member of a religious organization.¹¹ Since Russian legislation never defines participation in a religious organization, and many such organizations have no fixed membership, the adoption of this law created new opportunities for arbitrary enforcement. For example, a mosque could be closed on the grounds that it has been visited by a person convicted under an anti-extremist article. In 2013, an attempt was also made¹² to introduce into the same law an amendment granting the constituent entities of the Russian Federation the right to establish “requirements for the religious education of ministers and religious personnel,” as it was done in Tatarstan, but this initiative was unsuccessful.

The desire of the state to suppress both opposition activity and uncontrolled religious movements was evident from the new measures to “combat extremism,” proposed in 2013, and a corresponding law on toughening the penalties under anti-extremist articles, signed into force in 2014.¹³ As a result, both the fines and the extent of mandatory labor increased for all types of extremist crimes; the upper thresholds of incarceration terms for incitement to extremist activity (Article 280)

and for involvement in an extremist community and organization (Articles 282.1 and 282.2) were raised as well. These crimes have moved into the moderately grave and grave categories. The anti-terrorism legislative package of 2014 added to Articles 282.1 and 282.2 the criminal responsibility (subject to one to six years of imprisonment) for “inducing, recruiting or otherwise involving a person” in the activities of an extremist organization or community. Such expansive language criminalizes the actions of people who do not necessarily belong to these organizations or communities; it is not clear what should be regarded as “inducing to participate,” if the inducer is not a member of a group in question. Obviously, the followers of the banned religious associations were the first to find themselves under attack.

In 2015, the process of creating new repressive anti-extremist laws was put on pause, apparently to give the law enforcement system some time to absorb the legislative innovations of the preceding years. Moreover, steps were taken to reduce the level of outrage around the religious literature bans, which peaked after the attempts to recognize a translation of the Qur’an and a book with explanations of Qur’anic verses as extremist. The law “On Combating Extremist Activity” was supplemented with the following article: “*The Bible, the Qur’an, the Tanakh, and the Kangyur, their contents or quotations from them cannot be recognized as extremist materials.*”¹⁴ Authorities likely viewed this formula as a success—religious leaders loudly welcomed the amendments, while the government retained all its space to maneuver. Yet the amendment failed to clarify the question of dealing with various translations and versions of the Bible, the Qur’an, the Tanakh, or the Kangyur. Moreover, the problem of old religious texts, which have been regularly recognized as extremist in Russia, remains unresolved, despite the fact that not only banning them, but even interpreting them on the basis of today’s ideas about extremism or tolerance is inappropriate. The unwillingness to recognize that anti-extremist norms are not always applicable to religious traditions was also evident from the 2015 decision of the Constitutional Court, which upheld the ban against demonstration of the swastika as an ancient solar symbol in the corresponding Eastern religious context. As the Constitutional Court pointed out, the total ban on the demonstration

of Nazi symbols, including the swastika, in Russia is justified, since “*the use of Nazi paraphernalia (symbolism) . . . – whatever its genesis – can cause suffering to people whose relatives died during the Great Patriotic War.*”¹⁵

Still, the authorities took some measures to control the issuance of bans. In 2016, the Prosecutor General’s Office issued an order, transferring the right to file claims for the recognition of materials as extremist to the level of prosecutors of the constituent entities of the Russian Federation, and obliging the latter to have their claims authorized by the Russian Federation Prosecutor General’s Office.¹⁶ The order also contained an appeal not to commit actions that could provoke adverse social consequences. In particular, it advised taking into account the law prohibiting the categorization of the scriptures of world religions, and quotations from them, as extremist. In terms of bans on religious literature, this order of the Prosecutor General’s Office can have a positive impact by reducing the number of unfounded decisions arising from the prejudices of poorly educated prosecutors and lower court judges. Nevertheless, the Federal List of Extremist Materials still added more entries in 2016 than it did in 2015.

Meanwhile, the prejudices of higher level officials found their expression in a discriminatory innovation from the infamous “Yarovaya package.” The Law on Freedom of Conscience and Religious Associations was amended to put tight restrictions on missionary activities (defined as “*the public activities of a religious association or persons authorized by it aimed at disseminating information about their doctrine with a view to recruiting new members*”).¹⁷ The new rules, essentially, made it possible to issue a fine under Article 5.26 of the Administrative Code for any religious statement not authorized in writing by an officially registered religious association. Crafted by government-affiliated experts on religious issues, the wording of the article on missionary work has been taken from the old “anti-cult movement” projects. The law, in fact, completely forbids missionary activities of unregistered religious groups. It is worth pointing out that law enforcement started to apply the new law immediately and vigorously; in 2016, dozens of people were convicted for illegal missionary work. Notably, all these cases had no connection with the threat of terrorism whatsoever; they were related to the Protestants and the Hare Krishnas.

Since 2012, a clear tendency in Russian legislation to keep introducing new measures aimed at suppressing religious dissent. Along with Russian civic and human rights organizations, numerous international institutions have expressed their concern about the Russian laws being inconsistent with the spirit of democratic legislation and about the consequences of their use. Thus, in 2012, the Parliamentary Assembly of the Council of Europe adopted a resolution on the legal situation in Russia. The resolution contained recommendations to Russian leadership to make substantive changes to the laws adopted in 2012, which, in the opinion of the majority of Assembly members, were infringing on fundamental human rights and impeding the development of civil society in Russia.¹⁸ The Assembly advised the Russian government to pay close attention to the recommendations of the Venice Commission, which had previously published its opinion on the Federal Law “On Combating Extremist Activity” and formulated proposals for its reform. The Commission recommended a number of amendments to the federal law aimed at clarifying and changing the definition of extremism and related terms, and a number of procedures. The Commission pointed out that an overly broad and unclear definition of extremist activity, as well as arbitrary application of the law, gave rise to excessively severe restrictions on the fundamental rights and freedoms enshrined in the European Convention on Human Rights (in particular Articles 6, 9, 10 and 11) and violated the principles of legitimacy, necessity, and proportionality. In this regard, the Commission recommended that the Russian government bring its legislation in line with the European Convention on Human Rights and offered its assistance and support in this work. However, the Russian side has ignored these recommendations completely. The United Nations recommendations to states to repeal the laws on blasphemy, articulated in 2016, also had no effect on the Russian legislative norms related to “insulting the feelings of believers.” At this time, we see no indications that the Russian authorities intend to deviate from their chosen political course with regard to religious organizations.

MUSLIMS

Various Muslim groups and individual believers have been finding themselves under pressure from Russian anti-extremist legislation since the mid-2000s. These groups include adherents of Salafism, indiscriminately suspected of sympathy for terrorism by law enforcement, despite their diversity and the fact that many Salafi groups are peaceful.

The followers of the radical Islamic religious and political party Hizb ut-Tahrir¹⁹ have also been targeted since the party was banned in Russia as a terrorist organization without any evidence of a propensity to violence. In recent years, they have been prosecuted under the anti-terrorist Criminal Code provisions rather than anti-extremist articles and sentenced to lengthy prison terms of up to 20 years. And although the Hizb ut-Tahrir propaganda bears an anti-constitutional message, its supporters do not merit such excessive sanctions.

Increased Prosecution and Penalties for Tablighi Jamaat Members

Since 2009, when the Russian Supreme Court banned the activities of the international religious organization Tablighi Jamaat (“Propaganda of Faith”) as extremist,²⁰ Muslims have faced criminal prosecution under Article 282.2 of the Criminal Code for being involved in the group. Tablighi Jamaat, a movement that originated in India in 1927, does not require strict membership; it brings together believers, who are ready to go door to door as missionaries, to organize conversations on religious topics, and to travel preaching Islam. This peaceful organization adheres to fundamentalist interpretations of Islamic doctrine, but refrains from participating in political struggles, and is aimed solely at propagating Islam. Nonetheless, it was banned in Russia, based on the charges of propaganda of hatred and of calls to seize power. The works *Tsennosti Tabliga* [*Faza’il-e-Tabligh*, Virtues of Tabligh], *Tsennosti Zikra* [*Faza’il-e-Zikr*, Virtues of Zikr], and *Tsennosti Ramazana* [*Faza’il-e-Ramadan*,

Virtues of Ramadan], written by the movement’s ideologist Sheikh Al-Kandhlawi, were banned as well. In 2015, an attempt was made by the prosecutor’s office in Perovouralsk of the Sverdlovsk Region to ban *Izbrannyye Khadisy* [Selected Hadith]—a collection of hadith compiled by Kandhlawi. The collection escaped branding as extremist only because the court took into account the law against the prohibition of scriptures of the world religions.²¹

Since the Russian courts are seemingly aware of the unsoundness of the claims against those charged with Tablighi Jamaat involvement, they often try either to delay the trial, so that the case could be dropped due to the statute of limitations, or to limit the penalties to a fine or a suspended sentence. Thus, Samagan Aldakulov, a leader of missionary groups in Buryatia, the Trans-Baikal Region, the Amur Region, and the Khabarovsk Region, received a suspended sentence of ten months in Buryatia in 2011.²² Alexander Shudobaev, accused of organizing a Tablighi Jamaat “cell” in a local mosque, was sentenced to a fine in 2013 in Orenburg.²³ Four Muslims from Sol-Iletsk of the Orenburg Region were also fined for their involvement in the movement.²⁴ A resident of Kansk (the Krasnoyarsk Region) was issued a fine for his missionary trips and for conducting meetings that included reading of spiritual literature.²⁵ A resident of Sayanogorsk in the Republic of Khakassia was fined in 2014 for holding meetings in his apartment.²⁶ The case against a village imam in the Altai Region was closed due to the statute of limitations; Imam Serzhan Svatov from another village was fined and lost his right to religious activity for two years.²⁷ A native of Kyrgyzstan, where the Tablighi Jamaat movement is not banned and is very popular, received a suspended sentence in the Kemerovo Region in 2015 for holding meetings that included the study of prohibited religious literature.²⁸ In the same year, a court in Novosibirsk closed the case against 16 defendants charged with participation in the Tablighi Jamaat activities due to the statute of limitations. All

defendants in this case were accused of spreading the ideas of the movement, recruiting supporters, and participating in religious meetings. The defendants claimed that they met only for joint reading of the Qur'an and prayer.²⁹

However, other followers of the movement have been sentenced to prison terms. Five Astrakhan residents, involved in the activities of the “cell,” organized by the Avdonin brothers, were found guilty by a local court in May 2012 under Parts 1 and 2 of Article 282.2. One of them, Yuri Avdonin, was sentenced to one and a half years in a settlement colony, while the remaining four believers received large fines.³⁰ After the adoption of Yarovaya's law, harsher penalties under anti-extremist articles affected the fate of Tablighi Jamaat followers as well. In April and May 2017, ten Muslims were sentenced under Article 282.2 in Naberezhnye Chelny (the Republic of Tatarstan) to prison terms ranging from two years to three years and nine months. They were all accused of “engaging in propaganda of an aggressive form of Islam, non-traditional for Tatarstan” in different municipalities of the republic.³¹

Seven Tablighi Jamaat supporters—including three citizens of Kyrgyzstan, a citizen of Kazakhstan, and two Russian citizens—are awaiting their trial in Moscow. Most of them admitted their participation in the movement; one of them, in particular, reported that he had visited the Tablighi Jamaat headquarters in India, but said that he did not consider himself involved in extremist activity.³²

Russian Authorities Allege Existence of, Then Ban, Nurcular Organization

The year of 2011 was the hardest year for Russian Muslims studying the legacy of Turkish theologian Said Nursi.

Said Nursi, an ideologist of the movement for the revival of Islam in Turkey, defended the idea of reinstating religious education in secular educational institutions. His works, collected in *Risale-i Nur* [The Fruits of Faith], were intended for a secular audience. Devoted to interpreting the Qur'an, these writings are characterized by moderate rhetoric. But after Russian intelligence services suspected Nursi's followers of “propaganda of pan-Turkism,” a series of prohibitions against Nursi's writings followed with the usual formula of “propaganda of the superiority of one's own religion.”

Although Muslims studying the works of Nursi are not united in a single network in Russia, the Supreme Court banned Nurcular (a supposed conspiratorial organization to which Nursi followers allegedly belong) on the basis of the book bans and without even proving its existence. According to the text of the court verdict, Nurcular is a “*clearly structured international religious association*” consisting of a network of commercial structures and civil associations, whose main goal is “the creation of a world Islamic state (caliphate);” “*the activities of Nurcular structural units on the territory of the Russian Federation threaten inter-ethnic and inter-confessional stability in the society, the territorial integrity of the state*” and “*are aimed at forming groups of citizens with positive perception of death, combined with the willingness to sacrifice themselves in the interests of their teaching.*” The verdict alleged that such activities create favorable conditions for establishing the resource base for other organizations of an extremist or terrorist nature that use Islamic rhetoric. The court took on faith all the preceding statements submitted by the Prosecutor General's Office and supported the Ministry of Justice and Russia's Federal Security Service, the FSB, despite their purely declarative nature and the lack of specific factual basis.

Following the ban of the organization, prosecutions against Muslims for participating in it (de facto, for studying the books by Nursi) were initiated under Article 282.2 of the Criminal Code. Repressions abruptly intensified in 2011. That year, nine people were convicted of membership in the alleged organization, and four out of nine received prison terms ranging from eight months to one and a half years.³³

New criminal cases were opened as well. Thus, a case in Novosibirsk was opened against two imams, Ilkhom Merazhov and Komil Odilov—formerly the president and an employee, respectively, of a cultural and educational fund closed by the authorities in 2008. Among its other activities, this fund had published Nursi's works. Both Ilkhom Merazhov, a university mathematics instructor and the Chairman of the Committee on Education and Science of the Spiritual Board of Muslims of the Asian Part of Russia, and Komil Odilov, who taught the foundations of Islam, enjoyed recognition and respect among Siberian Muslims. On an October evening of 2011, when Odilov and his guests were peacefully

dining, police with three dogs broke into his apartment in order to search it. The police then proceeded to Merazhov's apartment, where they were engaged in a search until nearly dawn, removing computers, books, and papers, and scaring the small children present. Merazhov was detained and kept in a pre-trial detention cell; his detention was interrupted by a hospital stay due to his heart condition. In the detention center, he was placed in the same cell with convicted murderers and with an inmate who suffered from tuberculosis. The FSB officers visited Merazhov in his cell in an attempt to persuade him to plead guilty and threatened him with repeating the fate of lawyer Sergei Magnitsky, who died from torture in pre-trial detention. Nevertheless, Merazhov was released after 48 hours.

Both imams were accused of creating a Nurcular "cell" in Novosibirsk. According to law enforcement agencies, the home madrassa, organized by them, was financed from Turkey and its activities were aimed at "changing the state structure of the Russian Federation." In reality, the fact that they studied the books of Nursi with other Muslims was the only reason for the prosecution against Merazhov and Odilov. The prosecution of the imams elicited a strong reaction from the Muslim community; an appeal in their defense, signed by 1,300 people, was sent to the President.³⁴ In 2013, under public pressure, Merazhov and Odilov received a suspended sentence of one year under Article 282.2 of the Criminal Code. They challenged the verdict in the European Court of Human Rights in 2014 with a complaint against the verdict. A new criminal case under the same article was initiated against Odilov and two other believers in 2015. Odilov was arrested, and, only in September 2016, released under travel restrictions. Merazhov also fell under suspicion, but, being in Turkey at that time, was out of reach of the Russian law enforcement.

In 2012, the situation of Muslims studying the works of Nursi was not as troubling as in 2011. There were no guilty verdicts in criminal cases related to involvement in Nurcular, and two such cases (in Krasnoyarsk and Orenburg) were closed.³⁵ In 2013, however, the repressive crackdown intensified once again. In addition to Merazhov and Odilov, a resident of St. Petersburg was arrested and charged with organizing meetings for studying the works of Nursi. After six months in jail awaiting trial, he was sentenced to six months in

a settlement colony. His period of pre-trial detention was taken into account, and he was released a few days after the verdict. Five new criminal cases were initiated against 12 people, including two women.

Four sentences against seven Muslims were delivered in cases related to involvement in Nurcular in 2015. One defendant, Bagir Kazikhanov from Ulyanovsk, received a prison term of three and a half years for organizing home madrassas and maintaining contact with believers in other regions, who studied Nursi's works. Two of his co-defendants received suspended sentences. Four Muslims, including two women accused of creating a Nurcular "women's cell," were sentenced to fines in Krasnoyarsk. A new case against two Muslims was opened in Blagoveshchensk, the Amur Region. One of the defendants, Yevgeny Kim, was arrested and still remains behind bars.

In 2016, there was at least one suspended verdict against a Nursi follower and three new criminal cases against five people (three in Dagestan and two in Krasnoyarsk) charged with involvement in Nurcular. Two of them, Ziyavdin Dapayev from Dagestan and Andrei Dedkov from Krasnoyarsk, have prior convictions under Article 282.2 of the Criminal Code and are still under arrest.³⁶

Five followers of Nursi were sentenced in March 2017 in Ufa; all of them received suspended sentences ranging from one year and ten months to four years under Article 282.2 of the Criminal Code. The offenders include the former correspondent of the Ufa newspaper, the former head of the purchasing department of the Bashkortostan government, the director of the language school, and two teachers from this school. Three of them were banned from educational activities for two years.³⁷

Bans on Islamic Religious Literature as Extremist Material Intensify

One of the most notorious incidents of banning Islamic religious literature as extremist material took place in March 2012. The Leninsky District Court of Orenburg banned 68 different Islamic writings at once—almost the entire library seized during the search of Orenburg resident Asylzhan Kelmukhambetov. He had already been convicted in June 2011 for organizing a Nurcular cell. The court based its ban on the facts that this literature was, allegedly, typical for the "representatives of the

Nurcular movement,” and that the content of the texts was aimed at “*changing subjective reality of individuals, their values and beliefs, social relationships; while an attempt is taking place to influence their subconscious mind and mechanisms of faith, that is, the formation of conscious values and beliefs on an irrational basis.*” In fact, the texts in this set varied widely and were banned automatically by association with the banned organization; the expert opinion characterized all of these materials in the same vein, rather than on a case-by-case basis. The 68 items (many of them were books from the largest Russian publishing houses specializing in Islamic literature) included such important Muslim texts as *40 Hadith* (Imam al-Nawawi’s collection of the prophet Muhammad’s hadith) and medieval treatises *Sady Pravednykh* [Gardens of the Righteous] by al-Nawawi and *Vesy Deyaniy* [*Mizan al-’amal*, Criterion of Action] by Abu Hamid al-Ghazali. The trial took place without representatives of the authors and publishers, under the so-called special protocol. The court decision, issued in 20 minutes in March 2012, became publicly known only in the second half of June. The decision to ban the materials then entered into force, and all 68 materials were added to the Federal List of Extremist Materials.³⁸ The decision, which triggered spirited protest by Muslims, was contested, but the regional court did not start its consideration of the case for two years, during which the prosecution of believers and entire communities for distributing banned literature continued (the SOVA Center recorded dozens of these incidents). The Orenburg Regional Court lifted the ban for 50 out of 68 prohibited materials only in February 2015.

Nevertheless, new bans on literature followed elsewhere. Thus, 14 books and two pamphlets by Nursi were recognized as extremist in Kaliningrad, and two websites, featuring Nursi books from the *Risale-i Nur* collection including the banned ones, were deemed extremist in Volgograd.³⁹

The number of convictions against believers for organizing the study of Nursi’s books at home increased again in 2014. Five verdicts against 11 people were issued under Article 282.2 of the Criminal Code. The punishment, however, was not unduly harsh—large fines were imposed in ten cases, and a suspended sentence in one case. The number of newly opened criminal cases decreased in comparison with the preceding year.

The Federal List of Extremist Materials added two entries containing eight inappropriately forbidden books by Nursi in 2014. In addition, nurru.com, the largest Russian-language site dedicated to Said Nursi’s heritage, was banned.⁴⁰ By 2015, three entries, containing 17 inappropriately banned books by Nursi and an Internet page with his works, were added to the Federal List of Extremist Materials.⁴¹

Another controversial ban pertaining to Islamic spiritual writings was the decision, rendered in 2013 by the Oktyabrsky District Court in Novorossiysk, to recognize as extremist the *Translation of the meaning of the holy Qur’an into Russian* by Azerbaijani religious philosopher Elmir Kuliyeu.⁴² This translation contains no fundamental differences from other translations of the Qur’an. Perhaps, the law enforcement officers decided on the ban based on their previous—and inappropriate—ban, imposed on another Kuliyeu book on the Qur’an. In any case, the claims, presented by the experts against Kuliyeu’s translation, could have been brought against any ancient religious text; the book allegedly contained statements in which non-Muslims were negatively evaluated and hostile actions of Muslims towards non-Muslims were positively characterized. The court found these claims to be sufficient for prohibiting Kuliyeu’s Qur’an translation. This ban caused unprecedented outrage among Russian Muslims. As a result, the ban was reversed on appeal; the Krasnodar Regional Court repealed the decision to recognize the book as extremist in December.

However, an even more contentious response broke out in 2015 in connection with the decision of the Yuzhno-Sakhalinsk City Court to recognize as extremist the book *Molba (du’aa) k Bogu, ee naznachenie i mesto v Islame* [Prayer (du’aa) to God: its purpose and place in Islam], which consists of brief explanations of Qur’anic verses provided in Arabic as well as in Russian translation. The Court agreed with the expert opinion that the Qur’anic texts given in the book and the comments on them contained propaganda of the superiority of Islam over other religions.⁴³ Chechen leader Ramzan Kadyrov hastened to ride the wave of indignation; he started with undisguised threats against the law enforcement authorities of Yuzhno-Sakhalinsk and then filed an appeal against the court’s decision. At the same time, the Council of Muftis of Russia was preparing a sepa-

rate complaint. The Yuzhno-Sakhalinsk Prosecutor's Office, apparently having realized the consequences of the mistake, hurried to challenge the court's decision, stating that their charges pertained only to the comments, rather than the original verses. The text of their original claim clearly shows that this assertion does not correspond to reality. In early November, the Sakhalin Regional Court overturned the controversial decision of the district court.⁴⁴ The controversy resulted in the adoption of the law prohibiting recognition of the fundamental texts of the world religions as extremist.

Prosecution for Possession and Distribution of Unjustly Banned Religious Material

Between 2013 and 2016, the SOVA Center recorded 15 to 20 cases annually of prosecution of individuals and organizations under Article 20.29 of the Code of Administrative Offenses (CAO) for distribution of inappropriately banned Islamic materials. As a rule, such cases result in the imposition of a fine. Previously, the numbers had been lower, but our data for administrative offenses is incomplete to such an extent, that, at best, we can only identify the general trends. Since the total number of individuals punished under this article was almost 1,700, there were probably at least several hundred such cases in 2016, since multiple defendants are often charged in a single case.⁴⁵ It has to be noted also that, in connection with the annexation of Crimea, Muslims of the peninsula not familiar with the phenomenon of the Federal List of Extremist Materials found themselves in a difficult situation. In 2014, the new Crimean authorities embarked on wide-scale searches and confiscation of prohibited literature from Crimean Tatars. They soon reconsidered that tactic and introduced a three-month moratorium on seizing extremist materials, so that the Crimean residents could familiarize themselves with Russian legislation and get rid of dangerous literature. At the time of this writing, Article 20.29 of the Administrative Code is applied in the Crimea in full.

In addition to the widespread religious organizations and movements previously mentioned, local religious associations are sometimes banned as extremist for their activities as well as the literature they possess. In 2013, the Sovetsky District Court of Kazan recognized

as extremist and prohibited the activity of the Faiz-rakhman Sattarov community (commonly called the Faizrakhmanist community) that existed in the territory of Kazan since the 1990s.⁴⁶ Its leader, the former deputy mufti of Tatarstan, considered himself a messenger (but not the prophet) of Allah, and regarded his followers as the only true Muslims. The community's way of life was insulated but not hostile. The prosecutorial claims had to do with the fact that the leader of the religious group obliged members of the group *"to lead an isolated way of life, forbade seeking help from medical institutions or sending children to schools."* These claims, while quite justified, were insufficient to serve as the grounds for banning the community as extremist, nor was there any reason to ban the handwritten collection of Faizrakhmanist prayers.

In 2014, a Muslim religious organization of the village of Borovsky in the Tyumen Region was eliminated as an extremist group. The reason for the ban against the community was the fact that twice (before and after the court issued a warning about the impermissibility of extremist activities) banned literature was found in the mosque—three books, two of which were, in our opinion, clearly inappropriately banned, and the ban against the third one was very questionable.⁴⁷

In 2016, the Samara Regional Court banned the activities of the Mirmame Mosque's religious group as extremist.⁴⁸ Earlier, in January 2016, the imam of the Mirmamed Mosque in Chapayevsk Ilgar Guseinov received a warning about the impermissibility of extremist activity, and, in February 2016, he was also fined under Article 20.29 CAO for publishing on a social network the banned film *Chudesna Korana* [The Miracles of the Qur'an], which we consider inappropriately prohibited. In May, the Chapayevsky City Court fined Guseinov under the same article once again after a banned book *Krepost Musulmanina* [Fortress of the Muslim] was found in the mosque. This book is a collection of prayers, repeatedly banned despite not containing any signs of extremism.⁴⁹ Since new violations of the legislation on countering extremism were found within a year from the date of issuance of the warning, the court made a decision to ban the activities of the religious group. Because both cases pertain to distribution (and storage with intent to distribute) of inappropriately banned materials, the decision to ban the activities

of the religious group was inappropriate as well. As reported to SOVA Center by Mirgusein Mirmamed-ogly Tagiyev, a community member and the initiator of the construction of the Mirmamed Mosque, it was possible to preserve the mosque itself, since it was a small prayer house on private property. Only the social network group of the same name, organized by Imam Ilgar Guseinov, was banned, and, in accordance with the court decision, Guseinov was deported to Azerbaijan.

Consequences of Online Religious Statements

The 2015 appointment of Ali Yakupov to the position of imam of the Kurgan mosque caused a split among the worshipers at the mosque, some of whom advocated the return of the former imam. It is not surprising that, in the wake of the conflict, a comment made by the imam on the social network somehow attracted the attention of law enforcement. Yakupov left a comment in November 2015 under the material published on VKontakte on the subject of Muslim women in China not being allowed to wear a hijab. In his comment, Yakupov allegedly spoke of “divine punishment” that was going to befall the Chinese communists. This statement was interpreted as incitement of hatred toward the corresponding social group, that is, the Chinese Communist Party. The case was examined in court in the spring of 2017. The prosecutor demanded a suspended sentence of two years for the defendant with three years of probation. However, reason prevailed, and the court took the side of the imam, concluding that an appeal to the higher forces could not be considered xenophobic. The court decided that the elements of the crime had not been proven in Yakupov’s case, and recognized his right to exoneration. The judge emphasized that *“God is not a civic entity, and appeal to him can’t be considered a call for acts of enmity.”*⁵⁰

The events followed a different scenario in the case of Elvira Sultanakhmetova, a 23-year-old secretary from Pervouralsk in the Sverdlovsk Region. Sultanakhmetova left a strongly worded comment when responding to an online survey “Can a Muslim celebrate the New Year?” Citing the Qur’an, she spoke out against the New Year celebration and urged Muslims to also refrain from observing traditions associated with Easter and Victory Day (May 9), practiced by “vile

pagans.” Sultanakhmetova was sentenced to 120 hours of mandatory labor for incitement of religious hatred, even though her post contained no dangerous calls against the infidels. Moreover, the question of whether those celebrating non-Muslim holidays should be considered “pagans” and “polytheists” does not belong to the sphere of secular law.⁵¹

It should be noted that, year after year, ordinary Muslims, who do not belong to any groups viewed by the state as suspicious, are subjected to unjustified prosecution under anti-extremist charges. Sentences to active Muslims for intolerant statements not accompanied by calls for violence or statements that, in our opinion, should not be considered public comprise a large percentage of inappropriate verdicts under Article 282 of the Criminal Code for incitement of hatred. Occasionally, law enforcement bodies put forward blatantly absurd claims. It is practically impossible to foresee the outcome of the court proceedings with regard to such criminal cases.

JEHOVAH'S WITNESSES

Since the process of banning the activities of their Moscow organization got underway in the late 1990s,⁵² the overall pressure against the Jehovah's Witnesses in Russia has been increasing, and anti-extremist legislation has become a key instrument of this pressure. However, this process has proceeded unevenly. For example, a peak occurred in 2009–2010, when several dozen Jehovah's Witnesses brochures were prohibited as extremist, and the community in Taganrog (in Krasnodar Region) was banned. Over a dozen criminal cases against Jehovah's Witnesses were initiated under anti-extremist articles; the defendants were charged primarily with inciting religious hatred, but also with organizing an extremist organization or community.

It should be noted that, prior to its legal liquidation, the Jehovah's Witnesses local community in Taganrog had received several prosecutorial warnings about the impermissibility of violating anti-extremist legislation. A claim to liquidate the community was filed in court after local Orthodox activists complained to the prosecutor's office concerning the spread of *"slandering information regarding Orthodox clergymen and attacks on the very essence of the Orthodox doctrine"* that constituted *"a deliberate insult to their [the Orthodox – M.K.] religious feelings and provocation of conflict on the basis of religion."* The claim was heard in the Rostov Regional Court; the court upheld it and banned the community as an extremist organization for carrying out *"activities in the form of dissemination of religious literature, which contained statements that degraded human dignity on the basis of attitude towards religion and elements of propaganda of the exclusivity of one religion over another, thus indicating the presence of signs of incitement of interreligious hostility, religious exclusivity, and human rights violations."* The same decision prohibited 34 Jehovah's Witnesses brochures, including the most important treatise for the believers, *What the Bible Really Teaches*.⁵³

In the period from 2009 to 2017, Russian courts continued to issue regular decisions on prohibition of

Jehovah's Witnesses materials, banning, on average, several brochures a year. The year of 2012 was the only exception, with no instances of the courts recognizing any such literature as extremist, but, on the other hand, in the same year, the Federal Arbitration Court of the Moscow District confirmed the legality of the ban on the distribution in Russia of the *Awake!* and *Watchtower* magazines, putting an end to the two-year efforts of Jehovah's Witnesses to challenge it.⁵⁴ In 2013, the Traktorozavodsky District Court of Chelyabinsk started considering the case related to the prohibition of 95 Jehovah's Witnesses publications. The number of pamphlets specified in the lawsuit was reduced, and later the claim was denied altogether.⁵⁵ Approximately 15 items were included on the Federal List of Extremist Materials in 2014. The Central District Court of Tver recognized the official site of the Jehovah's Witnesses, *jw.org*, as extremist in 2013; then this decision was overturned, but, in the end, the ban was still imposed in 2014.⁵⁶ In total, the Federal List of Extremist Materials included at least 95 Jehovah's Witnesses materials as of May 2017.

Court Cases Target Individuals and Their Communities

As for criminal cases, the wave of harsh verdicts in 2009–2010 was followed by a series of law enforcement losses in the lawsuits against Jehovah's Witnesses, followed by the next wave of repression in mid-2010.

The trial of Alexander Kalistratov, which started in 2010 in Gorno-Altai, was the first trial against a follower of the Jehovah's Witnesses in post-Soviet Russia. The case attracted public attention, was observed by representatives of the Office of the Human Rights Ombudsman in Russia, and discussed in the European Parliament. Kalistratov was accused of inciting religious hatred only on the basis of distributing literature, which did not satisfy Article 20.29 of the Code of Administrative Offenses, since the relevant Jehovah's

Witnesses materials were not yet prohibited at the time. None of the 40 prosecution witnesses could confirm that the defendant had been inciting religious hatred. In 2011, the court acquitted Kalistratov. The prosecutor's office appealed the verdict, and the case was returned for a new trial. The same court found Kalistratov guilty, albeit imposing a rather mild sentence—100 hours of mandatory labor. By the end of the year, however, this verdict was overturned by the Supreme Court of the Altai Republic for failure to prove the elements of the offense.⁵⁷

A criminal case was instituted in 2011 in Taganrog under Parts 1 and 2 of Article 282.2 against 17 people on suspicion of violating the ban on the activities of a local Jehovah's Witnesses organization recognized as extremist in 2009. The case dragged on for years.

In December 2012, the Rostov Regional Court recognized the indictment of 14 out of 17 defendants as inappropriate due to serious violations committed by the investigator. However, a second charge under the same article was immediately filed against 16 individuals. The sentence was pronounced in the summer of 2014; seven defendants were found guilty, and nine were acquitted. Four convicted Jehovah's Witnesses received suspended sentences of various lengths and fines with exemption from payment due to the statute of limitations; the other three were sentenced only to fines and also exempted from payment. However, both sides of the process were unhappy with the verdict, and, late in the year, this decision was overturned by the Rostov Regional Court and returned to the Taganrog City Court for further consideration. According to the new sentence, issued in 2015, all 16 believers were found guilty. Four members of the community were convicted for organizing the continuation of its activities and involving minors in the community, and received suspended sentences of various lengths and fines, once again, with exemption from payment due to the statute of limitations. The other 12 people were sentenced to fines for participating in the banned community and were also exempted from payment.⁵⁸

In 2011, criminal proceedings under Article 282 of the Criminal Code were initiated against Yelena Grigorieva in Akhtubinsk (in the Astrakhan Region) and against Lutsia and Andrei Raitin in Chita (in the Trans-Baikal Region). The Raitins were found guilty in

2012, but then acquitted by the regional court.⁵⁹ Another acquittal of 2012 was issued in Yoshkar-Ola (in the Republic of Mari El); Maxim Kalinin, whose case under Article 282 for the distribution of pamphlets was opened in 2010, was acquitted by the Yoshkar-Ola City Court.⁶⁰ The case against Elena Grigorieva from Akhtubinsk in the Astrakhan Region was dismissed in 2013 with the recognition of her right to exoneration.⁶¹

The year of 2012 had its share of newly opened criminal cases. Five such cases were opened in Chuvashia, against ten residents of various districts of the Republic, including two women charged with creating and participating in an extremist community, and with incitement of hatred and enmity committed by an organized group. Two suspects spent a month and a half under arrest. However, late in the year, the cases against all ten Jehovah's Witnesses were closed. In the Orenburg Region, a case was brought against a group of individuals on suspicion of distributing banned literature and inciting hatred during the meetings of Jehovah's Witnesses. Over a dozen searches were carried out within the framework of the investigation, but the case never gained traction.⁶²

Similarly, not a single Jehovah's Witnesses conviction under criminal anti-extremist articles was recorded for 2013. Nevertheless, new criminal cases were opened. Preaching of "the superiority of the Jehovah's Witnesses creed" over other religions and distributing Jehovah's Witnesses materials served as the basis for prosecution under Part 1 of Article 282 against Ilmur Ashirmametov, the leader of the Tobolsk community (however, his case was closed in January 2014).⁶³ In the Sergiev-Posad District of the Moscow Region, Vyacheslav Stepanov and Andrei Sivak were charged with inciting hatred or enmity by an organized group. Having found no evidence of hatred in their statements, the court concluded that they were innocent in 2016, but the regional court ordered the case to be returned for a retrial, which began in 2017.⁶⁴ Yet another new criminal case was initiated in Taganrog against six Jehovah's Witnesses charged with continuing the activities of the banned community. It was closed in 2016 for lack of corpus delicti.⁶⁵

We have no information regarding any criminal cases opened against Jehovah's Witnesses in 2014–2015. In 2016, a case under Article 282 of the Criminal Code was opened in Kabardino-Balkaria against Arkady

Akopian on charges of giving a speech, in which he allegedly humiliated the dignity of representatives of other religions, and of distributing banned literature. The case reached the court in 2017.⁶⁶

Although criminal prosecution of Jehovah's Witnesses did not happen on a large scale in 2011–2016, pressure in the form of administrative fines and warnings to organizations continued to gain momentum. According to our data, the number of sanctions under Article 20.29 of the Administrative Code for distributing banned literature was increasing steadily. In 2016, we recorded about two dozen instances of imposed fines (though the actual number is most likely much larger). Two decisions to suspend the activities of Jehovah's Witnesses communities were issued under the same article in the same year, one of which was later revoked.⁶⁷

In ten years, from 2007 to 2017, Jehovah's Witnesses communities received 18 warnings about the impermissibility of violating anti-extremist legislation for distributing extremist literature—most of them during the last four years.

In 2012, the Yurga City Court refused to liquidate its local Jehovah's Witnesses community. The Yurga believers were accused of disseminating extremist literature, violating the rights and freedoms of local residents, undermining the “security of the state,” and inciting all possible forms of discord. All these charges were not backed up with evidence during the trial. This fact and the intercession by the Commissioner for Human Rights led to the court rejection of the prosecutorial claim. The entire system of Russian and international legal acts in this sphere was utilized in making this decision. Unfortunately, the hopes that it would become a precedent never materialized.⁶⁸

By the mid-2010s, law enforcement agencies have returned to the practice of banning communities. Following the 2009 ban of the Taganrog community, seven other local religious organizations have been liquidated as extremist: in Samara (2014), in Abinsk (2015), and in Sary Oskol, Belgorod, Elista, Orel and Birobidzhan (2016). The standard scheme was used in all these cases: the believers were fined under Article 20.29 CAO, then the community received a warning, then the prosecutors established that the extremist activity was still going on and filed the court claim for liquidation of the community.

Lengthy Legal Campaign Escalates into Violent Persecution

In their 2016 interview with SOVA Center, Jehovah's Witnesses stated that they were not aware of the reasons for the long-standing campaign against them. The believers said that, with the end of Soviet Union, that is, since the early 1990s, they were able to freely meet in worship and to preach. Local authorities did not interfere; there were no problems with renting premises for worship. Jehovah's Witnesses from various regions said that they had practically no conflicts with local residents. Many residents refused to communicate with preachers, and some treated the communities with caution (in part, because the ROC characterized Jehovah's Witnesses as sectarians), but, in general, the attitude toward their teachings was rather neutral. At the same time, Jehovah's Witnesses were trusted as conscientious and sober workers and reliable tenants; their participation in public activities, such as urban improvement projects, was met with enthusiasm. The situation began to change gradually starting in the late 1990s, and then deteriorated rapidly in the late 2000s. Claims from law enforcement started pouring in; propaganda campaigns began in the media; local authorities started denying their various formal requests and pressuring landlords to stop renting their premises to Jehovah's Witnesses. The authorities constantly conducted searches and inspections, looking for extremist materials. The incidents of law enforcement officers interrupting religious services—suddenly bursting into Kingdom Halls, wearing masks and brandishing their automatic weapons, when children, women, and elderly people were present—were becoming more and more frequent. According to believers, in the course of such searches, usually carried out with numerous legal violations, law enforcement regularly planted forbidden literature and then immediately drafted a protocol on its confiscation. Searches under various pretexts were also carried out in Jehovah's Witnesses' places of residence, where the police would frighten families by breaking into houses and apartments in the early morning. Anti-extremist legislation was not always invoked in such cases; there were also attempts to find Jehovah's Witnesses in violation of sanitary or fire regulations or accuse them of failing to provide proper paperwork. Members were also arbitrarily checked for involvement in crimes or offenses. For a

number of communities, over the past decade daily life has turned into a non-stop defense. Many believers have had no choice but to develop an understanding of legal issues; some Jehovah's Witnesses began to carry a copy of the Constitution and the Law on the Police with them at all times.⁶⁹

In 2016, the Russian authorities apparently decided to proceed from isolated actions to a full-scale ban on the activities of Jehovah's Witnesses in the country. A warning was issued to their parent organization, the Jehovah's Witnesses Administrative Center in Russia, and the attempts to appeal it proved unsuccessful. In 2017, the Ministry of Justice turned to the Supreme Court with a request to liquidate the Jehovah's Witnesses Administrative Center in Russia and its constituent local organizations for extremism, prohibiting their activities and confiscating their property in favor of the state. The claim stated, among other rationales, that the Administrative Center imports into Russia literature, later recognized as extremist, as well as reprints of prohibited materials, particularly materials split up into smaller editions. In addition, the document listed 395 local Jehovah's Witnesses organizations as units of the Administrative Center and provided a list of banned communities and those subject to administrative sanctions. The Ministry of Justice argued that the Administrative Center had financed its units, including those that were later banned, and was, therefore, involved in financing extremist activities.⁷⁰ On April 20, 2017, the Supreme Court of the Russian Federation granted the Ministry of Justice claim. Jehovah's Witnesses appealed the Supreme Court decision and expressed their determination to appeal their case in the European Court of Human Rights (ECHR).

It did not take long for the consequences of the Supreme Court decision to affect the situation of the believers. A new powerful wave of persecution against Jehovah's Witnesses, both judicial and extrajudicial in nature, immediately swept Russia. Local units of the Ministry of Justice started to liquidate communities (liquidation for extremism, unlike other cases of liquidation, begins immediately after the decision of the court of first instance). New criminal and administrative cases were initiated. A series of illegal layoffs targeted Jehovah's Witnesses;⁷¹ and their children are finding themselves under pressure in educational institutions.⁷² Jehovah's

Witnesses places of worship and residence suffer from frequent break-ins—either by law enforcement officers performing inspections, or by pro-government or Orthodox activist volunteers, or by vandals. Incidents of vandalism and pogroms are being reported in various regions of Russia. Jehovah's Witnesses premises are being pelted with rocks, their windows and fences get broken, and there was also a known case of arson of private houses. Thus, the discriminatory actions of the authorities, as well as the almost unanimous support of these actions by the ROC, were perceived as a call for a campaign of open violence against a religious minority.⁷³

OTHERS

Starting in the early 2000s, the fate of other religious organizations and groups that are “non-traditional for Russia” vividly illustrates the increasing closeness between the ROC and secular authorities. The vague anti-extremist legislation proved to be a very convenient tool for translating religious controversies into the legal arena. And in 2011–2017, events began to unfold with even greater intensity.

Increasing Pressure on Scientology Relies on Courts and Media

Adherents of the Church of Scientology have been less affected by anti-extremist measures than Jehovah’s Witnesses, but the existence of their communities in Russia can hardly be called comfortable. The pressure against the Scientologists began a little later, but is yet another manifestation of the same “anti-sectarian” turn in the policy of the Russian authorities in the sphere of religion. News stories aimed at “exposing” Scientologists started appearing in the early 2000s. Since 2002, a number of Scientology organizations (Dianetics and/or Scientology centers) were shut down for violation of the registration rules. They were accused of not having registered as religious organizations, failing to obtain licenses for activities in the field of health care, and even that their activities posed a health threat for citizens. There were some attempts to initiate criminal cases on those grounds, but the guilt of the Scientologists in causing health damage could not be proved. On average, attempts to eliminate Scientology organizations took place several times a year in different regions with varying outcomes. In addition, the centers of Scientology and Dianetics were regularly denied registration and re-registration. The believers made attempts to challenge these refusals in court, and, over the years, several such cases reached the ECHR, which supported the Scientology churches of Moscow, St. Petersburg, Surgut, and Nizhnekamsk in their right to register as

religious organizations. In Moscow, the district court refused to comply with the ECHR ruling to review the claim of Scientologists, citing some “newly discovered circumstances,” and the Constitutional Court upheld this decision in 2016.⁷⁴

In 2010, in parallel with the liquidation of yet another group of Scientology centers, a set of 29 works by Scientology founder L. Ron Hubbard was banned as extremist, all at once, in Surgut (in Khanty-Mansiysk Autonomous District – Yugra). The court fully relied on an expert opinion, ordered by the prosecutors, which found in these materials certain signs of incitement of social and religious discord as well as calls for obstruction of the legitimate activities of state bodies (the text of the court decision provided no specifics on these). The court banned the entire list of 29 items, paying no attention to the fact that one item appeared on the list twice. This decision was overturned by the district court in the same year and sent for retrial, and in 2011 the Surgut City Court denied the claim to recognize them as extremist.⁷⁵ In the meantime, however, the Ministry of Justice managed to add Hubbard’s prohibited writings to the Federal List of Extremist Materials and was in no hurry to take them off, so the Scientologists then had to go to court regarding the Ministry’s inaction.⁷⁶ The Surgut decision, despite never taking effect, was immediately perceived by law enforcement agencies in other regions as a signal to action. For example, a request to address violations of anti-extremism legislation was issued to a company director in Samara, a Scientologist suspected of disseminating Hubbard’s teachings,⁷⁷ while a Scientologist in Kaluga was fined under Article 20.29 CAO.⁷⁸

Also in 2010, in the city of Shchyolkovo (in the Moscow Region) a criminal case was opened under Article 282 in relation to the activities of the local Center of Dianetics and Scientology. The case was never brought to court, but in 2011, the Shchyolkovo City Court recognized seven works of Hubbard as extremist, including the book *What is Scientology*, the recommendations on

organizational management, and others. The court ruled that, since Hubbard had written about the uniqueness of his teachings, his writings incited religious enmity. The court also found that Hubbard's books incited social enmity, since the goal of Scientologists was the formation of their own "correct" social group in opposition to all the other "wrong" ones, and a subsequent gradual expansion of "their" group throughout the entire world.⁷⁹ This decision led Scientology adherent Vladislav Kochemarov to appeal to the Constitutional Court with a complaint that the vague criteria of the Law on Combating Extremist Activity created an opportunity for its ambiguous interpretation and arbitrary application. However, the Constitutional Court refused to consider his complaint.⁸⁰

The Naberezhnye Chelny City Court in Tatarstan banned 13 Scientology materials in 2011. This decision was successfully appealed in 2012; it was overturned by the Supreme Court of the Republic and returned for retrial to the Naberezhnye Chelny City Court, which, this time, denied the claim to prohibit the materials.⁸¹ In 2012, the prosecutor's office issued a warning to the Administrative Center for Dianetics and Scientology Dissemination Activities regarding the impermissibility of violating the legislation on combating extremism. The Shchyolkovo City Court found the warning legally appropriate, and the Moscow Regional Court upheld this decision.⁸²

In 2013, the Church of Scientology Moscow received a warning from the Ministry of Justice. The Ministry of Justice cited the fact that the charter of the church failed to comply with the federal law on freedom of conscience, since it listed Moscow as its location, while also conducting activities in St. Petersburg. In addition, the Ministry indicated that the word "Scientology" was trademarked in the United States, which, it argued, means that its free use was not allowed, and that Russian citizens were therefore limited in their right to consider and call themselves Scientologists (in contradiction to Article 28 of the Constitution, which guarantees freedom of religion). The warning proved impossible to contest; both the Gagarinsky District Court of Moscow and the Moscow City Court confirmed its legality.⁸³

In 2014, the Ministry of Justice filed a claim in the Moscow City Court for liquidation of the Church of Scientology Moscow on the same grounds. The Scientologists filed a counterclaim in the Izmailovsky District

Court of Moscow, which challenged the refusal by the Ministry of Justice to register the Church of Scientology Moscow as a religious organization. However, the court rejected their claim in 2015, based on an expert opinion that characterized the organization's activities as having a "clearly pronounced" social rather than religious character.⁸⁴ After that, the Moscow City Court granted the claim for liquidation of the Church of Scientology Moscow, and this decision was approved by the Supreme Court in 2016.⁸⁵ In the same year, the Scientologists attempted to challenge the provisions of the law on freedom of conscience in the Constitutional Court, which served as the basis for denying their registration, but did not succeed.⁸⁶

Pressure against Scientologist communities in different regions has increased in 2015–2017. The overall picture resembles the situation of Jehovah's Witnesses. A growing number of "exposures" in the press have led to a more suspicious attitude toward Scientologists in the wider society. Local authorities put an end to cooperation with the Scientologists in the context of anti-drug campaigns. Scientologist communities started experiencing problems with renting premises; their centers were constantly inspected for compliance with sanitary norms, safety rules, and so on. In addition, Scientologists have been accused of illegal entrepreneurship, collecting personal data (because of the "stress testing" practiced by the Scientology Church), and illegal use of video and audio surveillance devices. Several criminal and administrative cases of this kind were initiated. Law enforcement agencies regularly conduct searches in the Scientology Centers in different regions, seizing papers and equipment, often with procedural violations.⁸⁷

Measures that utilize anti-extremist legislation have been used less often. However, we know of several such cases. Polina Bikkulatova, the owner of a school of English Language in Chelyabinsk, was fined in 2015 under Article 20.29 of the Code of Administrative Offenses after the prohibited book *What is Scientology*⁸⁸ had been found in her school. In 2016, also in Chelyabinsk, entrepreneur Konstantin Leonov received a warning on the impermissibility of violating the law "just in case," based on the fact that he had distributed L. Ron Hubbard's books and videos about Scientology and Dianetics. He did not, however, distribute the materials recognized as extremist. Leonov failed in his attempts

to challenge the warning; both the district and the regional court confirmed the legality of the prosecutorial actions.⁸⁹

Persecution of Followers of Falun Gong Rooted in Foreign Policy

The persecution of followers of Falun Gong Chinese spiritual practice in Russia apparently stemmed from foreign policy considerations. The practitioners were subjected to—repressive crackdown in China, and Russia was striving to strengthen Russian-Chinese relations. Press reports about the “sectarianism” of Falun Gong first appeared in the early 2000s. Then, followers of the teaching were denied political asylum in Russia, and several people were deported. Next, the anti-extremist legal mechanism was put into play. In 2008, the Pervomaisky District Court of Krasnodar banned four materials: *Zhuan Falun* (the treatise by Falun Gong founder Li Hongzhi), a brochure about the persecution of Falun Gong in China, and informational leaflets about the activities of its followers around the world. The court’s decision was based on an expert opinion, which stated that the materials advocated the idea of the superiority of Falun Gong followers over other people. Additionally, the materials contained an image of a swastika (the swastika pointing in the direction opposite to the Nazi swastika is an ancient Eastern solar symbol and constitutes a part of the Falun Gong emblem), which, according to the court, could be interpreted by an unsophisticated reader as Nazi propaganda. In 2009, the regional court overturned the ban and returned the claim to the district court for retrial; this time the claim to ban the materials was denied.⁹⁰ However, the Ministry of Justice refused to withdraw the corresponding titles from the Federal List of Extremist Materials, and the Moscow City Court affirmed the legality of such a refusal.⁹¹ The Krasnodar Prosecutor’s Office did not stop there and filed a third claim seeking to ban the same set of materials. The Pervomaisky District Court of Krasnodar postponed the decision for two years in order to receive an expert opinion, but still ended up granting the prosecutorial claim in 2011. The ban on *Zhuan Falun* and three other items was approved by the regional court and the Supreme Court of Russia. Falun Gong followers have since filed a claim with the ECHR.⁹²

In 2009, a court in Yekaterinburg received a claim to prohibit the Nine Commentaries on the Communist Party on the grounds that the book aroused hatred among Russians toward Chinese who were not Falun Gong followers or who supported the Chinese government. The court denied this claim in 2010.⁹³

Between 2011 and 2017, we know of at least three cases of prosecution for distributing Falun Gong materials or possessing them with intent to distribute: a resident of the Rostov Region⁹⁴ was fined in 2013, a retiree from the Primorye Region in 2015,⁹⁵ and residents of Sochi and Abakan in 2017.⁹⁶

In 2011, even before the decision to ban the treatise came into force, the head of the local Falun Dafa organization in Kaluga received a warning about the impermissibility of extremist activities for distributing in the city the newspaper *Falun Gong in the World*, in which a positive review of *Zhuan Falun* had been published.⁹⁷ In 2013, two Falun Gong followers in Rostov-on-Don, including a son and assistant to the deputy of the local city дума from the United Russia party, also received the warning. The warning was triggered by the use of *Zhuan Falun* in group classes.⁹⁸

In the winter of 2014, the adherents of Falun Gong in different regions (Tyva, Khakassia, and Nizhny Novgorod) faced searches and interrogations. Thus, in Nizhny Novgorod, FSB officers searched the premises of a kindergarten, whose head was a Falun Gong follower; the parents and employees of the kindergarten were interrogated.⁹⁹

A criminal case was opened in Izhevsk (in the Udmurt Republic) in 2015 under Article 282 of the Criminal Code against local resident Shamil Gareev, who published *Falun Dafa* on his website in 2012. Experts stated that this book was identical to *Zhuan Falun* in content; it was said to contain propaganda of superiority of Li Hongzhi’s worldview and ideas over other ones, as well as “negative and hostile statements about Orthodox Christianity”; there were two witnesses, who stated that the book hurt their religious feelings. The case was closed, though, due to the statute of limitations,¹⁰⁰ and the court could not recognize the book as extremist, since the prosecutor’s office was unable to provide the publisher’s imprint.¹⁰¹

In 2015, Sergei Alyokhin, involved in the Krasnodar trial on recognizing Falun Gong materials as extremist,

appealed to the Constitutional Court with a complaint about certain provisions of the Law on Combating Extremist Activity. Among other issues, he pointed out that the law gives law enforcement agencies excessive powers to evaluate the extent of similarity of a symbol to the Nazi one with no regard to the context of its use. Yet, the Constitutional Court refused to consider the case, stating that public display of a Nazi symbol “regardless of its genesis” could be offensive to veterans and therefore was unacceptable.¹⁰²

In 2016, the Ministry of Internal Affairs and the migration service for document inspections caused a two-hour interruption at a meeting of approximately 250 followers of the Chinese Falun Gong, held in one of the sanatoriums near Moscow. As a result of the inspection, a report under Article 20.3 CAO was filed regarding the organizers of the meeting for public display of a swastika in the hall where the meeting was held. However, the court refused to hold the organizers of the event accountable due to violations committed by the law enforcement agencies.¹⁰³

Case Involving Commentary on Bhagavad Gita Draws Global Attention

Russian followers of the International Society for Krishna Consciousness have repeatedly encountered displeasure and complaints from the ROC, as well as formal claims by authorities. In 2011, the Leninsky District Court of Tomsk started hearings on a claim to recognize *Bhagavad Gita as It Is*, a book by founder of the International Society for Krishna Consciousness Bhakti Vedanta Swami Prabhupada, as extremist. This commentary on the Bhagavad Gita (a work of ancient Indian literature) is the main doctrinal text for the believers. The prosecutor’s office cited an expert opinion, which found in the text a number of statements asserting the superiority of followers of Krishna teachings over followers of other faiths.¹⁰⁴ The district court refused to prohibit the book, but the prosecutor’s office challenged the decision in the regional court. The trial attracted international attention. Indian nationals living in Moscow appealed to the Prime Minister of India asking for his diplomatic intervention in the situation. The Indian Foreign Minister spoke in defense of Russian believers. Deputies of the Indian parliament called on the authorities to “immediately intervene and secure guarantees of

*observance of freedom of religion for Hindus in Russia.”*¹⁰⁵

After that, the Russian authorities and the Tomsk Prosecutor’s Office began to say that the claim pertained only to the poor-quality translation of the book into Russian. In 2012, the Tomsk Regional Court refused to recognize the book as extremist.¹⁰⁶

Christian Protestants Face Harassment

Christian Protestants—Baptists, Pentecostals, and Seventh Day Adventists—also regularly face harassment in the press and pressure from the Russian bureaucratic machine. They have difficulties in obtaining land plots for their liturgical buildings; they are visited with inspections, and so on. However, as far as we know, only Pentecostals have faced prosecution under anti-extremist legislation.

In 2012, the Olovyanninsky District Prosecutor’s Office of the Trans-Baikal Region issued a warning about the impermissibility of extremist activity to True Light Christian Church, a religious organization that had rented premises in a local leisure center for their worship services. According to the prosecutors, the mere action of leasing the premises presented potential danger, because “*Giving a religious organization advantages over other religious organizations in violation of the law is impermissible and may cause a manifestation of extremism.*” The district court did not accept this logic and recognized the warning as illegal, pointing out the lack of basis for imposing it; the Trans-Baikal Regional Court confirmed this decision.¹⁰⁷

In 2013, as part of a massive prosecutorial review of non-profit organizations “to check for extremism,” inspections took place in 400 Pentecostal communities. During an inspection, the Prosecutor’s Office of the Jewish Autonomous District demanded a change in a clause of a local religious community’s statute, having interpreted its text as a sign of extremism. The clause stated that “*this religious organization is a voluntary association of Russian citizens, formed for the purpose of profession and dissemination of the doctrine of Christians of the Evangelical Faith,*” rather than proclaiming it to be open for all residents of the country, regardless of citizenship.¹⁰⁸

The Sverdlovsk Regional Investigative Committee initiated a criminal case in 2013 under Article 282 of the Criminal Code against retiree Peter Tkalic, a Pentecostal from Asbest. It was based on two texts, published

on his blog in 2006, which contained criticism of the Patriarch of the Orthodox Church and modern orthodox believers, but no calls for illegal actions. The residence of Tkalic and his wife was searched and books and computers confiscated.¹⁰⁹ However, the case had no further continuation.

The struggle against extremism has also affected the religious movement of Yehowist-Ilyinites, founded in the 1840s by Nikolai Ilyin (1809–1890) from elements of the Judaic and Christian traditions, reflected in the brochures *Svidetelstvo ISUS-CHRISTOVO* [The testament of Jesus Christ] and *Prizyv Vsekh Smertnykh Lyudei k Bessmertiyu* [Calling All Mortal People to Immortality], which were banned by Russian courts, respectively, in 2014 and 2017. Both works endeavor to assert the truthfulness of the version of Christianity revealed to their anonymous author, and the falsity of all other denominations, but we found them to contain no calls for violence. In Korsakov (the Sakhalin Region), a criminal case against a local resident under Part 1 of Article 282 was opened in 2016 for distributing *Svidetelstvo ISUS-CHRISTOVO* in a hallway of an apartment building. The case was transferred to the Korsakov City Court, but there is no information regarding its further development; it may have been closed.¹¹⁰

ROC and Secular Authorities Wield Legal Tools against Russian Orthodox Autonomous Church

The Russian Orthodox Autonomous Church (ROAC), which split away first from the Russian Orthodox Church in 1990, and then from the Russian Orthodox Church Outside of Russia in 1995, has a long history of conflicts with the ROC and the Russian authorities. Starting in the mid-2000s, the authorities took away a number of church buildings used by ROAC communities and transferred them to the ROC; law enforcement conducted groundless inspections in parishes, and the media published negative materials about the ROAC. In addition, ROAC sites were regularly vandalized; there were attacks on priests and believers, and local authorities took no steps to provide them with the adequate protection. In 2012–2013, the ROC obtained a court decision to seize from the ROAC the relics of St. Euthymius and St. Euphrosyne of Suzdal (the confiscation took place in 2015).¹¹¹ Conflicts around church buildings and relics

were accompanied by administrative cases filed against the ROAC for failure to comply with the court decisions. In 2014, anti-extremist legislation was also introduced into the process. In Vladimir, a district court recognized as extremist a video about the 2012 events around the confiscation of the relics of St. Euthymius and St. Euphrosyne of Suzdal from the ROAC on the grounds that the video contained “negative assessments” and “aggressive statements” against representatives of the Russian Orthodox Church and against members of Vladimir Zhirinovskiy’s Liberal Democratic Party of Russia, which took the ROC’s side in the conflict. A regional court confirmed this decision. In fact, the video contained harsh but generally reasonable criticism with no inflammatory appeals.¹¹²

In 2015, the same court banned seven materials that came from the pen of Archbishop Andrei Maklakov, the administrator of ROAC parishes in the United States. The prohibited materials dealt with conflicts between the ROC and the ROAC, including the dispute over the relics, and with the pressure against the ROAC representatives by the Russian authorities, refuted reports of financial ties between the U.S. government and the ROAC. The materials also condemned the actions of the Yanukovych administration in Ukraine against the Maidan supporters, including priests. The court found these materials to incite religious hatred and enmity, based on the fact that Maklakov’s texts reflected the traditional ROAC view of the ROC as the heir of the “apostates”—the Sergianists, who made a deal with the communist regime that was murdering clergy and believers. In addition, Maklakov complained of harassment by the ROC and the support of it by the authorities. In our opinion, the author criticized the ROC as a church structure, but never used aggressive rhetoric against its believers.¹¹³

Anti-Extremist Bans Extend to Various Perceived Threats

In 2012, in Khakassia, an issue of the *Paskha Tretyego Rima* [Easter of the Third Rome] newspaper was recognized as extremist. The newspaper was published in the Nizhny Novgorod Region with the blessing of fundamentalist Bishop Diomid (Dzyuban), who had been deprived of his rank. The Synod of the ROC recognized it as harmful to the church and fomenting discord among Christians in 2008. The content of the

controversial issue of *Paskha Tretyego Rima* reflected the attitudes characteristic of the extremely conservative supporters of Bishop Diomid, who consider Patriarch Kirill a heretic. The texts of the issue were characterized by pronounced anti-ecumenism and were directed mainly against Catholics; however, they should not have been regarded as incitement of religious discord, especially since they contained no dangerous appeals.¹¹⁴

Paradoxically, but not unexpectedly, one of the anti-extremist bans pertained to adherents of traditional Christian Orthodoxy. In 2010, a prosecutor's office in Moscow filed a claim with the Lyublinsky District Court to recognize as extremist an image of a girl in a T-shirt with skulls, Orthodox symbols, and the slogan "Orthodoxy or Death!," found on a social network. This claim was denied in 2011, and denied again in 2012. However, also in 2010, another Moscow court—the Cheryomushkinsky District Court—recognized as extremist the "Orthodoxy or Death" slogan per se, printed on T-shirts that were sold online. The slogan was then included on the Federal List of Extremist Materials.¹¹⁵ This slogan is indeed popular among more radical and aggressive representatives of certain Russian Orthodox organizations. Historically, it was used by monks of the Esphigmenou Monastery on Mount Athos, and is interpreted not as wishing death to non-Orthodox, but as a contrast between orthodoxy and spiritual death: "Either we are Orthodox or we die spiritually." The vast majority of those using this slogan in any manner share this interpretation, so we believe that it has been banned inappropriately. This ban served as the basis for a number of absurd administrative cases against defendants who were not Orthodox radicals by any stretch.

In 2016, Dmitry Semyonov, a member of the opposition from Chuvashia, was fined under Article 20.29 CAO for sharing on VKontakte a photograph depicting Duma Deputy Vitaly Milonov wearing a T-shirt with the slogan "Orthodoxy or Death" and another photograph of Milonov, this time wearing a suit, but with the same slogan mentioned in the caption. The Supreme Court of Chuvashia dismissed Semyonov's appeal against these decisions. Surprisingly, Deputy Milonov—a champion of radical Orthodoxy, a defender of "traditional" values, and a fighter against "sects"—was never brought to responsibility. Meanwhile, for Semyonov—Milonov's ideological

opponent, who published these photographs for the purpose of expressing criticism—the adventure did not end there. Reporting on the decision of the Supreme Court on his social network page, he shared an informational message about the outcome of his case, which mentioned the slogan. Despite the fact that the word "death" in this message was hidden, the court fined Semyonov for this post as well. Semyonov has challenged this decision in the ECHR.¹¹⁶ The authorities of Chuvashia evidently decided that this slogan provides the best pretext for fighting local opposition members. Therefore, two more Chuvash activists were fined: one for a news report that mentioned the slogan,¹¹⁷ and the other for quoting Milonov's opinion on Semyonov's case.¹¹⁸

At the same time, the slogan continues to be freely mentioned in various materials online, in mass media, on Wikipedia, and so on, and still appears on the banners of radical Orthodox movements, providing a vivid illustration of the selectivity in assessing anti-extremist norms. In March 2017, two representatives of the radical right-wing Union of Orthodox Banner Bearers (*Soyuz pravoslavnykh khorugvenostsev*), which actively uses this slogan, were, for the first time, detained for carrying a banner with the "Orthodoxy or Death" slogan during their traditional "prayerful standing" in the center of Moscow. Although the protocols of an administrative offense were filed, the case never went to trial.¹¹⁹

Yarovaya's law, described earlier, entered into force in the summer of 2016. Accordingly, so did Article 5.26 Parts 3-5 of the Code of Administrative Offenses pertaining to illegal missionary work, which allows law enforcement to punish any act of preaching without written permission of a registered organization. It also authorizes law enforcement to expel foreign preachers from Russia for unlawful preaching as well as for distribution of religious literature without special organizational labeling. These norms, adopted within the framework of a package of anti-terrorist and anti-extremist measures, met the hopes of the fighters against religious sects. These norms were put to immediate use against representatives of "non-traditional" religious movements, including those who had never previously dealt with the anti-extremist mechanism.

Characteristically, the first known case under Article 5.26 was launched in late summer of 2016 against a member of the International Society for Krishna

Consciousness. This individual had presented religious literature to two passers-by (lawyers have since succeeded in securing the termination of the proceedings). Then, in rapid succession, dozens of such cases were initiated in different regions of Russia. According to Supreme Court statistics for 2016, 47 decisions were issued to impose punishments under Article 5.26 of the Code of Administrative Offenses, primarily in the form of fines, but one person was deported from the country. This article of CAO also contains other parts, but we assume that most of the decisions were made specifically under Parts 3-5. The believers prosecuted for illegal missionary work included Protestants (Pentecostals, Baptists, Seventh Day Adventists), Hare Krishnas, Scientologists, Jehovah's Witnesses, "alternative" Christian Orthodox believers, and self-styled preachers of their own teachings.

Law enforcement authorities have provided various justifications for bringing individuals to responsibility under Article 5.26. Thus, in 2016, fines were repeatedly levied on members of unregistered religious groups for conducting their activities without documents confirming their religious affiliation. This is what happened, for example, in Tver, where a citizen of the Republic of Ghana, the leader of the Pentecostal group "The Embassy of Christ" (*Posolstvo Khrista*), was fined for this offence. Similarly, in Oryol, a U.S. citizen—a Baptist who held meetings at his home to study the Bible—was also sentenced to a fine. An address, made by the pastor of a Pentecostal church during a rural holiday against the backdrop of a "Happy Holidays, My Village" banner, on which the name of the church was indicated, was interpreted as illegal missionary work in Mari El. In St. Petersburg, a seminar for those suffering from alcohol and drug addiction was held on the premises of the Jewish messianic community by the Archbishop of the Ukrainian Reformed Orthodox Church of Christ the Savior, and was perceived by the court as an attempt to "persuade the Jewish community to convert to Russian Orthodox Christianity." The authorities of Noyabrsk (in the Yamalo-Nenets Autonomous District) dismantled the playground for the children of parishioners at a Baptist prayer house. The inspectors were concerned by the fact that, while on the playground, the parishioners' children could hear sermons and prayers and have access to religious literature. The pastor was fined. In

Vladivostok, the local Salvation Army organization was fined for failing to indicate the full name of the religious organization on the literature present in its office. The court decided to confiscate the publications that did not conform to the labeling standards, including copies of the Bible in Russian (in the Synodal translation) and in English, and destroy them by burning. This decision caused such a strong public reaction that the court had to annul the part pertaining to burning the books. Charges of illegal missionary work were filed twice against the International Society for Krishna Consciousness community in Tver. The first time occurred after the believers walked in a procession through the city, and the second time in connection with an upcoming concert, but three days prior to it, and despite the fact that the community representative had the required documents for the missionary activities.¹²⁰ In another case, a programmer from St. Petersburg was brought to responsibility in 2017 for giving a lecture on yoga during a city festival. The case was opened based on a police complaint, filed by one of the listeners, that the lecturer had talked about yoga "not as a physical exercise, but as a connection with God." The yoga teacher has been acquitted in court.¹²¹

FIGHT AGAINST INSULTING THE FEELINGS OF BELIEVERS

During the 2000s, the dispute between representatives of the ROC and defenders of the concept of a secular state, freedom of conscience, and the right to practice atheistic views rarely crossed over to the legal arena. Yet, the authorities were increasingly inclined to support one party in that dispute, and to accuse the other one of advocating extreme views. Notably, it was art that often became a platform for such conflicts.

Art Caught in the Legal Crosshairs

Two exhibitions in the Andrei Sakharov Museum and Public Center (the Sakharov Center) in Moscow were the forerunners of the world-famous Pussy Riot case. In early 2003, Orthodox activists vandalized the *Caution, Religion!* exhibition held in the Sakharov Center. The exhibition, which included the works of four dozen Russian artists, exhibited modern art on religion and religiosity, including religious symbols. Nevertheless, the exhibition was not deliberately provocative; its opening was rather quiet, and only a few dozen people visited it before the vandalism. After the incident, however, a controversy broke out in the press. As a result, one of the Orthodox organizations appealed to a prosecutor's office, and the exhibition organizers were charged under Article 282 of the Criminal Code for incitement of religious hatred. The case dragged on for two years. Despite the intervention of human rights defenders and artists, two organizers of the exhibition—director of the Sakharov Center Yuri Samodurov and his assistant Lyudmila Vasilovskaya—were found guilty and punished with a large fine.¹²² The attempts to appeal the verdicts were unsuccessful, and a complaint was lodged with the ECHR.¹²³

The story repeated itself in 2007. Yuri Samodurov organized *Forbidden Art-2006*—an exhibition of works banned for display by art councils and directors of museums and galleries in 2006—in the Sakharov Center. The exhibit items included works on religious topics. The items were hidden from viewers' eyes by a wall and

were available for fragmentary viewing through small holes in the wall. But, these precautions did not help. Orthodox Christian organizations regarded it as “an obvious anti-Christian provocation” and, once again, turned to law enforcement agencies for help. As a result of a new equally lengthy court case, Samodurov and curator of the exhibition Andrei Yerofeev were sentenced to fines under the same article as in 2010. The court decision stated that, as a result of the actions of the exhibition organizers, even believers who did not see it “suffered psycho-traumatic effects” and “experienced moral suffering.”¹²⁴ The *ArtChronika* magazine, which had published reproductions of the paintings from the exhibition, received a warning about the impermissibility of extremist activity. In 2011, a painting included in the *Forbidden Art* exhibition—“Sermon on the Mount” by Alexander Savko—was recognized as extremist. Savko's painting presented a modified engraving of Julius Schnorr von Carolsfeld's Sermon on the Mount scene, with the figure of Christ replaced by Mickey Mouse. The court ruled that “the gospel story is presented by the author of the work in the form of a cartoon, which, in turn, represents and carries out an extremely cynical, derisive insult, dysphoric mockery of religious beliefs and religious feelings of the Orthodox believers, and humiliation of their human dignity on the basis of attitude towards religion.”¹²⁵ The artist's attempts to challenge this decision in the Russian courts failed, and he has appealed to the ECHR.

All these events, along with growing pressure against the opposition, could not but affect the atmosphere of Russian cultural life. Ideological censorship and self-censorship related to (among others) religious topics, where the ROC reigned supreme, became an integral part of it.

Authorities Target Expression of Atheism

Simultaneously, the authorities, for the first time, turned their attention to atheists expressing themselves online.

Two cases under Part 1 of Article 282 of the Criminal Code were initiated in 2010 for incitement of religious hatred in connection with publications by Kill the Patriarch, a VKontakte group formed by Nizhny Novgorod resident Dmitry Shubin, a Kabbalah enthusiast. Shubin was charged with incitement to murder Patriarch Kirill with the force of thought, despite the fact that calls to kill a specific person (in real or mystical ways) are not covered by the Criminal Code article that pertains to inciting hatred. Shubin, who had suffered from a disability, died before the trial.¹²⁶ Dmitry Lebedev, a resident of Gatchina (in the Leningrad Region) was accused of publishing in the same online group a number of similar appeals and critical statements directed against the head of the ROC, clergy, and Orthodox Christianity. In 2011, the court found him guilty of inciting hatred and gave him a one-year suspended sentence.¹²⁷ It is worth noting that, going forward, law enforcement has increasingly interpreted criticism of the ROC as incitement of hatred against Orthodox believers.

In total, according to our data, about two dozen cases were inappropriately opened between 2011 and 2017 for incitement of hatred against believers and insulting their feelings, and most of them ended with guilty verdicts. The punishment was mostly in the form of fines, correctional or mandatory labor, or suspended sentences. Three people were sentenced to imprisonment.

In 2011, the Kaliningrad publisher Boris Obratsov was found guilty of using mass media to humiliate the dignity of a group of people on the basis of their attitude toward religion. He was sentenced to a fine under Article 282 of the Criminal Code for publishing a commentary with attacks against the ROC and religious people in general in a newspaper. Later, another criminal case was initiated against Obratsov in connection with the republishing of the same text online, but this case was later shelved. Obratsov did express himself in an abrasive and rude manner in his reaction to the proposal of Vsevolod Chaplin, then the head of the Synodal Department for the Relations between the Church and Society of the Moscow Patriarchate, for an Orthodox dress code for Russian citizens. He did not, however, call for any unlawful actions against believers, and there was no need for a criminal prosecution in this case.¹²⁸ The law enforcement agencies and the court wanted to appease the offended believers; characteristically, the case was

opened due to the complaint of a local “patriot,” who had close ties with the regional administration.

Pussy Riot Case Tests Freedom of Expression

Against this background, the action of Pussy Riot took place in February 2012. The collective performed a protest song on the steps of the Cathedral of Christ the Savior in Moscow, in a manner characteristic of the group. Later, the footage of the action was combined with other visuals and set to the studio recording of their song *Mother of God, Chase Putin Away!* The resulting video was posted online, extensively shared, and caused a strong reaction from organizations and individuals close to the ROC. A criminal case in connection with the performance was opened five days later. In March, three members of the group—Nadezhda Tolokonnikova, Maria Alyokhina and Ekaterina Samutsevich—were arrested. In August, the Khamovnichesky Court of Moscow found all three defendants guilty of premeditated hooliganism committed by a group of persons motivated by religious hatred and hatred of the social group “Orthodox believers” under Article 213 Part 2 of the Criminal Code. They were sentenced to two years’ imprisonment in a penal colony. In October, the Moscow City Court commuted the sentence of Ekaterina Samutsevich to a suspended sentence of two years with two years of probation, admitting that she had not been able to take part in the action, due to her swift removal from the Cathedral by security guards. In November, the Zamoskvoretsky Court in Moscow banned the *Mother of God, Chase Putin Away!* video along with three more Pussy Riot videos, without providing appropriate justification for the ban.¹²⁹

Numerous protests by human rights activists at all levels, by public and cultural leaders, and by the general public in Russia and abroad led to early release of Alyokhina and Tolokonnikova under amnesty in 2013. However, attempts to challenge the verdict were unsuccessful, although the case was reviewed many times in 2013–2015; the Supreme Court merely ruled that the motive of hatred against the Orthodox be removed from the charges.¹³⁰ The Pussy Riot case was challenged in the ECHR, which quickly communicated the case and posed a question to Russia, whether criminal prosecution of the band members and the ban on their records violated the right to freedom of expression.¹³¹

In our opinion, the case of the punk collective undoubtedly belonged to the category of political persecutions. Their action was unambiguously directed against the alliance between the Russian Orthodox Church (in the person of Patriarch Kirill) and the Russian government, and not against Orthodox Christianity and its believers. The defendants' actions did not indicate a motive of religious hatred or hatred for Orthodox Christians; moreover, the qualification of this action as hooliganism in the criminal rather than the administrative sense was problematic. The act they committed presented little public hazard; it violated the rules of conduct appropriate for believers inside the church, but not public order in general. Punishment in the form of deprivation of liberty was assigned for an act, which was essentially a statement, not a regular criminal offense with ideological motives. The severity of the verdict underscored the fact that the state viewed protecting church traditions as a priority.

The most important feature of the Pussy Riot case was the abundance of religious arguments and terminology in the text of the indictment and sentence. Such arguments are outside of the legal sphere and appear to legitimize prosecution of religious dissidence (of which blasphemy or sacrilege is a particular instance). The widely publicized verdict, based on religious provisions, created a law enforcement precedent of de-secularization and distortion of the law. Moreover, it led, as soon as 2013, to the adoption of the law on insulting the feelings of believers, long on the agenda for the government-connected Orthodox milieu.

Leaflets, Videos, Online Comments, and Voodoo Rituals Draw Legal Action

In 2012, a criminal case under Part 1 of Article 282 on suspicion of inciting religious hatred was opened against Maxim Yefimov, the chairman of the Youth Human Rights Group of Karelia, for publishing on the Youth Human Rights Group website a short article *Karelia is Tired of Priests*, aggressively critical of the ROC. Yefimov subsequently left the country for Estonia, was put on the federal wanted list, and later received political asylum. In the course of one year, there were five expert examinations of the two-paragraph note, but none of them provided any basis for identifying Yefimov's actions as criminal; however, the case was not closed, and the orga-

nization formerly headed by Yefimov was disbanded on this basis. Yefimov filed a case in the ECHR in 2015.¹³²

The leaflet *Russia in the Hands of Traitors* was banned in Tyumen in 2012 (and later in Barnaul). According to law enforcement representatives, among its other problems, this leaflet “*made appeals to incite social discord against representatives of the authorities and the clergy of the Russian Orthodox Church*,” and “*statements expressing the negative characterization of groups of people united by their attitude toward religion*.” The Region 46. *Svezhie Izvestiia* newspaper received a warning for its coverage of the visit of Patriarch Kirill to Ukraine and the related protest by the FEMEN movement.

In the summer and fall of 2012, the extremely popular YouTube website and a number of other Internet pages were blocked when the controversial *Innocence of Muslims* video appeared on the Internet. Apparently fearing unrest among Muslims, the Prosecutor's Office of the Russian Federation did not wait for an official court decision recognizing the video as extremist (to say nothing of waiting until the decision entered into force) and launched a large-scale attack against the film across the country. Dozens of warnings went to Internet providers in various Russian regions with orders to block access to Internet pages that featured the video. Prosecutorial demands varied from one region to the next; some sought to block a specific address, while in other places the entire resource became off-limits. As a result, users in a number of regions lost their ability to use YouTube for a period of time. In some cases, upon request from prosecutors, providers also blocked VKontakte due to the presence of *Innocence of Muslims*. The VKontakte administrator decided to promptly delete all pages that contained links to the video without waiting for a court decision. Despite the obviously provocative nature of this video, we have to point out that law enforcement agencies acted contrary to legislation in force at that time.¹³³

In 2013, the shift of activity in defense of believers' feelings online became quite an obvious trend. It should be noted, however, this trend also pertained to the application of anti-extremist legislation in general. The cases related to hate-based violence decreased in number, while the number of cases related to the incitement of hatred on the Internet kept increasing.

For example, a criminal case under Part 1 of Article 282 was initiated against Domodedovo (in the

Moscow Region) resident Roman Matveev on charges of publishing seven religion-themed demotivational posters on the Domodedovo online town forum in the threads for “Orthodoxy,” “the ROC (in comics),” and “Atheism.” According to the investigators, the images had a purpose of “*inciting hatred and enmity, as well as humiliating a group of persons on the basis of religion; giving and showing negative evaluations, attitudes, and expressions offensive to religious groups of Christians and Muslims; comparing them to fascists, expressing hatred, hostility, cynicism, and thus provoking incitement of a violent reaction from religious groups.*” The images in question were satirical, with no inflammatory appeals, and posted in the part of the forum specifically dedicated to atheism. The case was closed due to the statute of limitations in 2015.¹³⁴

Court proceedings to ban four items on a popular local website *orlec.ru* began in Oryol in 2013, and a criminal case under Article 282 was initiated based on their publication. Searches involving confiscation of equipment were conducted in the editorial office and in the authors’ homes. As a free online encyclopedia, *orlec.ru* provided its users with an opportunity to speak anonymously and ironically about city life, including city politics. The case was initiated due to a collective petition to the Oryol FSB Department by “the Orthodox community.” Experts, brought in by the investigation, interpreted the authors’ ironic and critical remarks against the clergy, which had nothing to do with extremism, as signs of hostility against Orthodox believers. Among the remarks posted were unrecognized quotes from the *Povest Vremennykh Let [The Tale of Bygone Years]*, the primary Russian chronicle. The Court sent the materials for a new linguistic analysis, which found no signs of extremism in the materials from *orlec.ru*, and the case was closed in 2014.¹³⁵

It is worth noting that Article 148 on insulting the feelings of believers, included in the Criminal Code in the summer of 2013, was not immediately put into use. No verdict was passed under it in 2013; instead Article 282 of the Criminal Code, in part about the incitement of hatred, was used. In 2014, four cases were opened under Article 148, and all of them rightfully deserved the attention of law enforcement agencies. Characteristically, all these cases related to protecting the feelings of Orthodox Christians—arson or desecration of a

church, swearing and fighting in a church, destroying high crosses.

In 2015, the SOVA Center recorded five cases inappropriately initiated under Article 148 of the Criminal Code.

The charges under Part 1 of Article 148 against Stavropol resident Viktor Krasnov were filed on the basis of several statements he made in an online conversation in a Stavropol city VKontakte community in 2014. A staunch atheist, Krasnov expressed his negative attitude toward the Bible in a rough manner typical for Internet discussions, made fun of another participant in the conversation, and asserted that there is no god. After that, two other participants in the conversation filed complaints with the police, and the case was opened. The persecution for atheistic beliefs in this case was so obvious that the case attracted public attention and was widely covered in the press. As a result, the court dismissed the case due to the statute of limitations in 2017.¹³⁶

In Orenburg, the former teacher of a local medical university Sergei Lazarov was charged for publishing online Yaroslav Yanitsky’s article *The Evil Christ*. The text, dedicated to the image of Christ the Pantocrator in Christian iconography, contains crude epithets describing God the Creator in the Gnostic interpretation, and the author links the ROC to Satan. Obviously, there are no generally accepted or fixed legislative ideas about God and his image in a secular society; therefore, publication of even the most extravagant argument on this topic should not be considered an act expressing disrespect to the society, as implied by the composition of Article 148 of the Criminal Code. Nevertheless, in 2016, the court found Lazarov guilty, although he was exempted from paying the fine due to the statute of limitations. Attempts to challenge the verdict in the district court proved unsuccessful.¹³⁷

Also in 2015, a criminal case under Article 148 of the Criminal Code was opened in Yoshkar-Ola (in the Republic of Mari El) against local resident M. Vorobyov, who had a prior conviction for incitement of hatred. He was accused of posting on VKontakte two images of a cross and one image of Jesus Christ, accompanied by obscene captions, or, in one case, by the statement, “*Those, who accepted God, believed in and convinced others of their own insignificance and helplessness.*” An expert opinion, commissioned by the investigation,

stated that these images “*contain religious themes and directly offend the religious feelings of believers (Orthodox Christians), show disdainful, disrespectful and mocking attitude toward sacred objects (of Christianity), and include references to Satanic views.*” Vorobyov was sentenced to mandatory labor in 2016.¹³⁸

Furthermore, law enforcement authorities continued to apply Article 282 of the Criminal Code in similar cases. Alexander Razhin, an 18-year-old student from Omsk, was charged under Article 282 in 2015 because he posted on his social network page (under the news report that the Omsk concert of Marilyn Manson had been canceled as a result of pressure from “Orthodox activists”) a comment “*humiliating the dignity of a group of people on religious grounds.*” In 2016, Razhin was sentenced to correctional labor.¹³⁹

A criminal case relating to insulting Christians’ feelings was initiated in Yekaterinburg in 2015 against Yekaterinburg resident Anton Simakov, who called himself a “Voodoo Master.” In October 2014, Simakov performed a ceremony in his office with the stated purpose of exerting magical influence on Ukrainian authorities. It involved the following objects: a clay voodoo doll, a funeral pall, — band usually put on the heads of the dead in churches, a printed copy of the prayer traditionally read during church funeral services, a small wooden cross, and a rooster for a sacrificial animal, whose blood the “Voodoo Master” sprinkled on the previously listed objects. All of this was recorded on video and found its way online. The court granted the prosecutorial request and referred Simakov for compulsory mental health treatment. The “Voodoo Master” may have really needed psychiatric help, but his actions do not qualify under Article 148 of the Criminal Code since he never expressed negative attitudes toward Christianity or believers in any way. He merely utilized the ecclesiastical objects for his own ritual.¹⁴⁰

In the same year, two residents of the Kirov Region were accused of hanging a stuffed dummy on a prayer cross in one of the villages, accompanied by an inscription that law enforcement found “insulting” — “*Allah Akbar. Death to the Infidels.*” In our opinion, the case was qualified incorrectly. If the court found that the defendants had intended to call for a massacre of the Orthodox, their actions should have been qualified not as an insult to the feelings of believers under Article 148, but

as an incitement to religious hatred under Article 282 of the Criminal Code. On the other hand, if the controversial act was interpreted as an unfunny joke that posed no significant public danger, and Kazantsev and Shaidullin had no intention to incite hatred, then their actions were more in line with the composition of Article 5.26 Part 2 of the Code of Administrative Offences (damaging ideological symbols and attributes). The court sentenced them to mandatory labor in 2016.¹⁴¹

More Cases Involve Young Defendants

In 2015, the Federal Service for Supervision of Communications, Information Technology and Mass Media (often referred to by its Russian acronym, *Roskomnadzor*) issued a series of warnings to the Russian media for republishing cartoons from the French weekly *Charlie Hebdo* in connection with the attack on the editors, fearing (like in the *Innocence of Muslims* case) a strong reaction from the Muslim community.¹⁴² In 2016, law enforcement agencies showed less zeal than a year earlier in their fight to protect the feelings of believers, and yet, the year brought new controversy. Characteristically, in almost all the new criminal cases initiated for insulting the feelings of believers or inciting religious hatred, the defendants were young people. On one hand, this has to do with the fact that, as already mentioned, law enforcement agencies embarked on “imposing order” on social networks, where young people are disproportionately active. On the other hand, the legal norm pertaining to the feelings of believers, which clearly invades the sphere of freedom of speech, is provoking youngsters—typically not inclined to follow the rules—to test the limits of what is permissible.

In Kirov, a 16-year-old, who posted images offensive to believers on the Internet, was sentenced to mandatory labor under Articles 148 and 282 of the Criminal Code. While the charge of inciting religious hatred was legitimate since the images called for violence against believers, the charge under Article 148 of the Criminal Code pertained to merely atheist images.¹⁴³

The Berdsk City Court of the Novosibirsk Region issued a guilty verdict to 21-year-old activist Maxim Kormelitsky, who already had a number of prior convictions, for publishing on his Vkontakte page a photo that depicted people swimming in an ice-hole (an Epiphany tradition in Russia), accompanied by

an insulting comment. The court found him guilty of inciting religious hatred and sentenced him to a prison term in a settlement colony as a repeat offender. During the investigation, Kormelytsky stated that he was an “ardent atheist” and had a negative attitude towards “propagandists of religion.” According to him, his intent was to comment on the “mental state of people who sacrifice their health for the sake of religion.”¹⁴⁴

Conversely, the criminal case under Part 1 of Article 282 of the Criminal Code against a 19-year-old student from Kotlas of the Arkhangelsk Region was initiated for criticizing atheism. The student’s comment was found on the Kotlas VKontakte community page under an anonymous post that proposed burning down a church. The student’s comment used an obscene word to categorize atheism, and called its adherents fools. According to the comment, those who fail to read the Bible will become “monsters, Rodnovers, Hare Krishnas, Hindus, Buddhists” and “other satanic rabble.”¹⁴⁵ The case went to court and, as far as we know, has been terminated.

Another case opened in 2016 resembled the case of Pussy Riot in the public attention it attracted, and, like the case of the punk collective, despite all its absurdity, it ended in a conviction. Videoblogger Ruslan Sokolovsky was charged under Article 282 Part 1 of the Criminal Code (incitement to religious hatred) and Article 148 Part 2 of the Criminal Code (insulting the feelings of believers in places of worship). Sokolovsky faced the charges of inciting hatred and insulting the feelings of believers for publishing videos full of provocative remarks about various groups, from migrants to feminists and philanthropists, and for being atheistic in character; the latter drew the attention of law enforcement. The blogger’s story of catching Pokémon in the Cathedral of the Intercession of the Spilled Blood in Yekaterinburg was viewed as particularly offensive to believers. Sokolovsky spent the entire time of the investigation and the trial either in jail or under house arrest. His trial was widely reported in the press and provoked a heated public discussion, during which, among others, some representatives of the government, Orthodox priests, and ordinary believers spoke out against the criminal prosecution. However, in May 2017 the Verkh-Isetsy District Court of Yekaterinburg found Sokolovsky guilty and issued a suspended sentence of three and a half years with a probation period of three

years and a ban on participation in public events. The court also ordered him to delete the offending online videos. The defense appealed the verdict. We believe that Sokolovsky could only be charged with humiliation of dignity, which, in our opinion, should be removed from Article 282 of the Criminal Code as an act presenting no significant public danger.¹⁴⁶

In early 2017, the Chechen Republic’s Prosecutor’s Office issued a message that a criminal case had been opened against a video-blogger Ilya Davydov (Maddison) under Article 282 Part 1. Soon after the publication, though, all reports on this criminal case were removed from official websites of the Republic without explanation, so the fate of this case is unknown. The video of obscene content, mocking the Koran and the Bible, which had served as the basis for initiating the case, was banned and included on the Federal List of Extremist Materials. As reported by the Prosecutor’s Office, Maddison’s video depicted actions and statements aimed at humiliation of a person or group of persons on the basis of their relation to Islam and Christianity. After his video gained popularity in January 2017, Maddison started receiving numerous insults and threats, so he ended up deleting his social network accounts and leaving Russia.¹⁴⁷

In May 2017, a court in Belgorod sentenced a 22-year-old local resident to a fine, having found her guilty under part 1 of Article 148 for posting on her VKontakte page a number of photographs, on which she was shown lighting up a cigarette from a candle in an Orthodox church. Although the girl did violate the accepted rules of conduct in a church, her actions evidently attracted no attention from believers present at that time, inflicted no damage to the ecclesiastical objects, and posed no significant danger to society. Thus, there was no need for a criminal prosecution.¹⁴⁸

It should also be noted that, from 2015 to 2017, the Russian courts issued a number of decisions to ban atheist materials and block anti-religious VKontakte communities. For example, in August 2015, the Leninsky court in Grozny (in the Chechen Republic) ordered 14 webpages blocked at once for “insulting the feelings of Muslims,”¹⁴⁹ and, in March 2017, the Oktyabrsky District Court of St. Petersburg granted the prosecutorial claim for blocking webpages of five atheist communities.¹⁵⁰

In our opinion, the clumsy efforts of the Russian authorities to protect the feelings of followers of

“Russia’s traditional religions” to the detriment of the constitutional rights of citizens of the secular state, can lead only to deterioration of relations between the state and the society, between religious communities and non-religious or anticlerical parts of society, and feed the flames of developing ideological conflict between the authorities and youth that surfaced after the spring protests of 2017.

CONCLUSION

The policy of Russian authorities in the religious sphere is part of a broader process of establishing ideological control over society. It is no accident that recently the same scenario has been used to exert pressure on religious organizations and independent non-governmental organizations. The scenario begins with complaints by pro-government “patriotic” organizations, followed by defamation in the media, then by inspections and searches by law

enforcement agencies, and finally by sanctions. The tighter control reflects the state’s fear of the society in connection with unresolved social and economic problems accumulated over the past decades. As the current Russian leadership emerged from defense and law enforcement agencies (siloviki) and relies on them, it seeks to solve every problem by introducing additional repressive legislative norms and new tactics of intimidation in applying them.

USCIRF RECOMMENDATIONS TO THE STATE DEPARTMENT

The State Department should urge Russia to:

- Cease according preferential treatment to certain Christian, Muslim, or other organizations, referring to the norms of canon law or to other strictly religious arguments that are not set out in state legislation;
- Expand the circle of religious organizations, including Christian ones, with which it has institutionalized cooperation, to reflect the religious diversity in society;
- Clarify registration procedures for religious groups and ensure the non-discriminatory application of laws governing the acquisition of premises for religious purposes;
- Abandon the requirement for informal communities of believers to present information about themselves to government bodies, if they do not wish to obtain official status;
- Rescind the ‘anti-missionary’ amendments to legislation, which increase risk for anyone practicing religious activity outside buildings owned by religious organizations;
- Accept that religious tolerance should be protected by the same mechanisms as other forms of tolerance, and refrain from creating special rules that restrict freedoms specifically in relation to religious tolerance;
- Prevent the implementation of new laws and other legal acts aimed at restricting public expression of religious beliefs, including dress, provided that it does not violate other legal provisions;
- Stop interpreting religious polemics as inciting religious hatred and prevent criminalizing religious debate, in accordance with Supreme Court recommendations;
- Stop the practice of court bans on books and other materials for “extremist content” and dispense with the ineffective Federal List of Extremist Materials;
- Review court rulings banning religious organizations for extremism and ensure that the bans are based on clear and objective examination of all available evidence.

ENDNOTES

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