

March 5, 2012

The Honorable Chris Smith  
Co-Chair  
Commission on Security &  
Cooperation in Europe  
U.S. Helsinki Commission  
234 Ford House Office Building  
Washington, DC 20515

The Honorable Benjamin Cardin  
Co-Chair  
Commission on Security &  
Cooperation in Europe  
U.S. Helsinki Commission  
234 Ford House Office Building  
Washington, DC 20515

Dear Chairmen Smith and Cardin,

We write as an informal group of organizations and individuals who are scholars, religious leaders, human rights advocates and practitioners to express our deep concern about rising restrictions on religion in Russia, which are contributing to an atmosphere of intolerance and discrimination against religious communities and their individual members. According to an August 2011 report produced by the Pew Forum on Religion & Public Life, "Rising Restrictions on Religion," Russia was one of only ten countries in the world that had a substantial increase in social hostilities involving religion from mid-2006 to mid-2009.

In particular, we are most concerned about the increasing misuse of the 2002 Extremism Law to censor religious scriptures and disrupt religious organizations. And we urge you to press Russian authorities to reverse course, make good on Russian guarantees of freedom of religion and association for every individual and religious community, and honor its international human rights obligations and commitments.

The 2002 Extremism Law was justified by the need to combat terrorism after 9/11, but the federal government is allowing the use of an expansive definition of "extremist activity" to include religious writings that imply superiority of one's religion to another, or that express opposition to moral and ethical shortcomings in society. Any local prosecutor can push for such religious works to be found "extremist." And if a local court rules that they are, as soon as the decision becomes final the works are automatically added to the Federal List of Extremist Materials, which is compiled by the Justice Ministry, and banned throughout the Russian Federation.

Since the Federal List of Extremist Materials was started in 2007, it has been expanding rapidly – from 255 items at the end of August 2008, to 573 items by March 2010, to 1,073 items by January 2012. And once religious works are on the list, prosecutors and law enforcement authorities have been opening investigations, raiding homes and churches, seizing the works, charging and prosecuting individuals, and even moving to liquidate or dissolve their religious organizations.

In June 2011, the Russian Supreme Court made clear that cases under "extremism"-related Articles of the Criminal Code must be very carefully and narrowly framed. However, the federal government continues to allow the use of an expansive definition that ignores the Supreme Court and contravenes the narrow construction of the term to "violence" or "violent encroachment" articulated in the Shanghai Convention on Combating Terrorism, Separatism and Extremism, which Russia has signed and ratified.

Misuse of the Extremism Law has resulted in a growing list of violations of the right to freedom of belief and religion. And the most recent news reports provide evidence that the situation is getting worse.

- Jehovah's Witnesses and readers of the works of the late Turkish Muslim theologian Said Nursi face increasing criminal prosecutions and imprisonment on "extremism"-related charges.
- Despite the reversal of the original decision finding Scientology religious materials to be "extremist," authorities in Schelkovo in the Moscow region, and Chelny in the Tatarstan region, are proceeding with new efforts to label Scientology materials as "extremist" literature, and authorities in Moscow executed another raid of a Church of Scientology.
- Prosecutors in the Siberian city of Tomsk are trying to have the Russian translation of the sacred Hindu text, Bhagavad-Gita (specifically the translation and commentary followed by Hare Krishna devotees, the Bhagavad-Gita As it Is which is a version of the Bhagavad Gita, one of Hinduism's holiest scriptures), declared "extremist" and placed on the Federal List of Extremist Materials.
- The Board of Civil Affairs at Krasnodar Regional Court decided to place the main book of the Falun Dafa spiritual practice, titled Zhuan Falun, on the Federal List of Extremist Materials three years ago. While that decision was reversed in 2009, the case was re-opened from the regional to the district level. On October 27 this year, the court put the book on the list of extremist literature and on December 22, the court confirmed the decision to ban Zhuan Falun again.
- Russian authorities are now extending their nationwide bans of "extremist" religious materials to websites. Jehovah's Witness websites nationwide are now being blocked for carrying copies of their works, and the blocking of access to Jehovah's Witnesses websites has been extending across Russia.
- Russian authorities are increasing their practice of raiding and fining religious communities, including Lutherans, Baptists and Muslims.

Russia's misuse of the Extremism Law cannot be countenanced under UN and OSCE standards, including the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, Article 18 of the International Covenant on Civil and Political Rights, and the Helsinki Accords.

Again, we urge you to press Russian authorities on this matter. A good place to start would be to ask the Russian government to narrow its definition of "extremism" to "the use of violence" or "violent encroachment" articulated in the Shanghai Convention on Combating Terrorism, Separatism and Extremism, which Russia has signed and ratified:

*"Extremism" is an act aimed at seizing or keeping power through the use of violence or changing violently the constitutional regime of a State, as well as a violent encroachment upon public security, including organization, for the above purposes, of illegal armed formations and participation in them, criminally prosecuted in conformity with the national laws of the Parties.*

This would be consistent with the UN Human Rights Committee recommendation to Russia to narrow the definition to exclude arbitrary application of the law:

*The Committee reiterates its previous recommendation (CCPR/CO/79/RUS, paragraph 20) that the State party should revise the Federal Law on Combating Extremist Activity with a view to making the definition of "extremist activity" more precise so as to exclude any possibility of arbitrary application, and consider repealing the 2006 amendment.*

In this direction we would appreciate your assistance in organizing a hearing on this topic.

Respectfully,

ORGANIZATIONS

AMERICAN CENTER FOR LAW & JUSTICE

AMERICAN ISLAMIC CONGRESS

CHURCH OF SCIENTOLOGY

HINDU AMERICAN FOUNDATION

HUMAN RIGHTS LAW FOUNDATION

INSTITUTE ON RELIGION AND PUBLIC POLICY

INTERNATIONAL CHRISTIAN CONCERN

INTERNATIONAL COALITION FOR RELIGIOUS FREEDOM

INTERNATIONAL INSTITUTE FOR RELIGIOUS FREEDOM (OF THE WORLD EVANGELICAL ALLIANCE)

INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS (ISKCON)

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