

RUSSIA

The Russian Federation was formed in 1991 following the collapse of the Soviet Union. It is the largest country in land mass and has 142.4 million inhabitants that are concentrated in a few population centres, mostly on the eastern fringe of Europe. The current government is led by President Vladimir Putin, who is fostering a highly centralized authoritarian state with a strong geopolitical position and aggressive foreign policy. This centralized control has favoured regressive legislation that restricts the public space, including freedom of religion and belief for minority groups.

Russia is a religiously diverse country, although only Orthodox Christianity, Islam, Judaism, and Buddhism are recognized as traditional religions. Many citizens do not profess any religion at all, a legacy of seven decades of anti-religious Soviet rule. Only 15-20% of the population are practicing members of the Russian Orthodox Church and 10-15% practicing Muslims. Two percent of the population are Christians of other denominations. Most of the people that claim no faith would by tradition fall into the category of ‘non-practicing Russian Orthodox.’¹

Even still, since the dissolution of the Soviet Union there has been a resurgence of religious interest in Russia. In 2002, the government reacted to the growth of some religious minority groups by passing a series of Religious Extremism Laws that restrict religious practice in the country. These laws are supposedly intended to prevent the formation and mobilization of terrorist groups which could act on a religious pretext. Religious Extremism Laws are full of vague wording that leaves much to interpretation.

The charge of ‘extremism’ can be attached to a wide range of activities. For instance, it can be used to describe the peaceful promotion of ‘the superiority of one’s own religion.’² The situation worsened first in 2014 when prison sentences were increased for religious violations, and then again in 2016 with the enactment of the Yarovaya Law. The latter is named for its author, Irinia Yarovaya, and further restricts religious freedom, strengthens sanctions against extremist charges, lowers the minimum age for conviction, and even requires mobile operators to log the correspondence content of its operators.

The first person to be arrested for extremism under the Yarovaya Law was Vadim Sibiyrev, a practitioner of Hare Krishna who was arrested on the 15th of August for offering religious books on the street. Sibiyrev was acquitted for the offense, but more such cases are expected to follow.

¹ Central Intelligence Agency. *The World Factbook Central Asia: Russia*.

² The freedom to claim the relative merit of one belief system over another is an integral part of religious freedom. See Arnold, Victoria. ‘RUSSIA: ‘Extremism’ religious freedom survey.’

Jehovah's Witnesses, Mormons, Protestants, and Hare Krishna are among those that have been charged under this new legislation and forced to pay an administrative fine.³ The law also makes it illegal for foreigners to engage in religious activities in public or in private. An online petition protesting the Yarovaya Law has raised over 100,000 signatures, qualifying the petition to be reviewed by a federal level 'expert group'.

The followers of Said Nursi are one movement that has suffered significantly under the Religious Extremism Laws. Many Muslims who follow the works of Said Nursi were imprisoned as 'extremists' in 2016.

Said Nursi Followers in Prison

Said Nursi was a Muslim scholar, opinion leader, and activist concerned with the acute problems of the society of his time. Throughout his life, he tried to reconcile religion, modernity, and politics. His books inspired a faith movement that played a role in the revitalisation of Islam in Turkey throughout much of the 20th century and now has several millions of followers worldwide, including in Russia and post-Soviet countries with a Muslim majority.

Followers of Said Nursi gather informally to read and discuss his works. They are persecuted in a number of Muslim majority countries, even though they do not commit or advocate violence or terrorism. Nursi's works are banned in Russia for allegedly inciting hatred and enmity against non-believers. Nursi followers have been subjected in these countries to police raids, confiscation of literature, and court sentences of fines and prison terms.

The Russian government insists that Said Nursi literature is used by an extremist terrorist organization called Nurdzhular that seeks to undermine the stability of the Russian state. Individuals who have been arrested for studying Said Nursi have unanimously denied the existence of Nurdzhular. However, Russian authorities insist that it is an extremist group that is supported by Turkish and American intelligence agencies, whose aims are to weaken and destroy the country. The Russian government has yet to produce evidence to substantiate this claim.

In March of 2016, **Ziyavdin Dapayev** and his brother **Sukhrab Kultyev** were arrested in the city of Dagestan along with fourteen other Said Nursi followers during a police raid. The brothers were arrested for suspicion of belonging to the terrorist organization Nurdzhular and were handed prison sentences for 'involvement in extremist activity.' While the fourteen other Said Nursi Muslims were released, Dapayev and Kultyev remain in prison in Mackachkala.

On the 16th of March 2016, **Andrei Dedkov** was arrested in Karsnaysk for charges related to his involvement in study groups that were being held at various addresses to study the works of Said Nursi. Russian authorities claimed Dedkov's connection to Nurdzhular and his

³ Chandler, Michael Alison. 'Missionaries are struggling to work under new Russia law banning proselytizing.'

intent to organise a ‘cell of adherents’ as reasons for the arrest. Dedkov is currently detained in Krasnoyarsk’s Investigation Prison.

On the 9th of April 2014, **Bagir Kazikhanov** was arrested and again on the 25th of February 2015 in Ulyanovsk with charges of creating a cell of the banned Burdzhular organisation and participating in its activities. The Criminal Code used for prosecution was Article 282.2 Part 1, or ‘creation of an extremist organization and extremist activity.’ Kazikhanov was sentenced by the Lenin District Court in Ulyanovsk to three and a half years to be served in a general regime colony.

On the 26th of December 2015, **Yevgeny Kim** was arrested at his home where he had gathered with friends and family to celebrate the birthday of the Prophet Mohammed. Kim was charged with dissemination of the religious ideas of the ‘international extremist organization Nurdzhular’, fully aware of the fact that his activities were prohibited in the Russian Federation. The prosecution claims that Kim’s actions ‘were aimed at inciting religious hatred’, promoted the ‘superiority of the Turkic peoples’ and contained ‘negative evaluations’ of the Russian and Armenian peoples.⁴ The prosecution referred to Article 282.2 of the Criminal Code which outlaws extremist organisations or activities. The outcome of Kim’s trial is not yet known.

On 6th December 2015, **Imam Komil Odilov** was arrested under Criminal Code Article 282.2 for organising a Nurdzhular group and detained until 1st February 2016. Odilov refutes the existence of Nurdzhular and denies that he was engaged in extremist activity. The imam had already served a one-year conditional sentence in 2014 and is currently appealing to the European Court of Human Rights in Strasbourg over his recent second sentence. Odilov is a leader and cleric at the Spiritual Administration of Muslims of Asiatic Russia organisation.

The full list of documented cases of FoRB prisoners is available on the USB key attached to this report and on our website: <http://hrwf.eu/forb/forb-and-blasphemy-prisoners-list>.

Laws Used to Criminalize Religious Activities

Article 282.2 is the law most frequently used to make arrests of religious individuals. Many Said Nursi followers have been imprisoned with charges of participation in or formation of an extremist organisation under this criminal code.

Article 282.2 Incitement of National, Racial or Religious Enmity

‘1. Actions aimed at the incitement of national, racial, or religious enmity, abasement of human dignity, and also propaganda of the exceptionality, superiority, or inferiority of individuals by reason of their attitude to religion, national, or racial affiliation, if these acts have been committed in public or with the use of mass media, shall be punishable by a fine in

⁴ http://www.forum18.org/archive.php?article_id=2166

the amount of 500 to 800 minimum wages, or in the amount of the wage or salary, or any other income of the convicted person for a period of five to eight months, or by restraint of liberty for a term of up to three years, or by deprivation of liberty for a term of two to four years.

2. The same acts committed:

a) with the use of violence or with the threat of its use;

b) by a person through his official position;

c) by an organised group, shall be punishable by deprivation of liberty for a term of three to five years.’

Russian leaders have determined that the phrases ‘incitement of... religious enmity’ and ‘the exceptionality, superiority or inferiority of individuals by reason of their attitude to religion’ includes any claims about the relative merit of one religion or belief over another and that to criticize or preach against other worldviews is punishable by law. Prominent members of the Muslim community in Russia have declared that the doctrines of Said Nursi are not meant to be violent or to incite hatred, but Russian authorities insist that its literature is dangerous and extremist. On 23rd June 2016, another law was passed that allows police to arrest citizens for violating ‘generally accepted norms of social behaviour,’⁵ which has further legalized the persecution of religious minorities in Russia.

National Standards for Detention Conditions

According to its own laws, Russia is obligated to meet international standards such as the UN Standard Minimum Rules for the Treatment of prisoners, although violations of these standards are common in Russian prisons. UN prison standards include the right to a private sleeping space, an adequate number of showers and toilets, adequate light and ventilation, proper nutrition and medical supplies, and other rights that ensure the mental and physical health of prisoners.⁶ The Russian Federal Prison Standards include similar provisions, such as a required forty-three square feet of living space per prisoner.

Russia also guarantees prisoners certain constitutional rights, such as those found in Article 21.2 of the Constitution:

1. ‘Human dignity shall be protected by the State. Nothing may serve as a basis for its derogation’

⁵ United States Commission on International Religious Freedom. ‘Russia: USCIRF condemns enactment of anti-terrorism laws.’

⁶First United Nations Congress on the Prevention of Crime and the Treatment of Offenders. *Standard Minimum Rules for the Treatment of Prisoners*.

2. ‘Nobody should be subjected to torture, violence, or other severe or humiliating treatment or punishment. Nobody may be subjected to medical, scientific or other experiments without voluntary consent.’⁷

It is noteworthy to mention here that the 2013 UN Universal Periodic Review reported positively on projected improvements to be made by the Russian authorities regarding the treatment of detainees and upgrading of detention facilities.⁸

National and International Reports on Prison Conditions in Russia

Plans to reform the prison systems in Russia by 2020 are important for correcting its record of human rights abuse. Testimonies of individuals that have come through the Russian prison system construct a horrifying narrative of beatings, abuse, mistreatment, and torture.⁹

The US Department of State Annual Report cites prison overcrowding and life threatening prison conditions as two of the major human rights obstacles in Russia. The report includes many cases of prisoners who were beaten to death and prisoners who endured neglect of their medical condition that proved fatal. In 2015, 197 inmates died while in police custody and police often report the cause of these deaths as ‘sudden deterioration of health’ such as heart attacks or suicide. Potable water is sometimes rationed, food shortages are common, and quality medical reception is lacking. Many prisoners suffer from tuberculosis, and HIV infections increased by 6% last year.

The United Nations Committee Against Torture (CAT) voiced some concerns in a recent report on the penal system: ‘CAT remained concerned about reports of overcrowding and the high number of suicides in detention places, and the lack of independent medical officials available to examine prisoners claiming to be victims of abuse. CAT was concerned about reports of frequent placement of persons in psychiatric institutions on an involuntary basis and the absence of investigations into the reported ill treatment and deaths of persons held in such facilities.’¹⁰

The Moscow Center for Penal Reform also reported poor sanitation, substandard medical care, and the prevalence of tuberculosis in the prisons. The centre also noted that overcrowding is mainly due to an extremely high incarceration rate in Russia, second in the world only to Rwanda.¹¹

⁷Text available by Comparative Constitutions Project. *The Constitution of the Russian Federation*.

⁸ Human Rights Council Working Group on the Universal Periodic Review. *Russian Federation*. ‘Conditions in detention (recommendations Nos. 4 and 35).’

⁹ See Wallis, Emma. ‘Russian prisons are essentially a torture chamber’ and Johnston, Cameron. ‘‘Violence breeds violence’ one woman’s story of 16 years inside a Russian jail.’

¹⁰ Office of the High Commissioner for Human Rights. *Russian Federation* ‘Right to life liberty and security of the person.’

¹¹ Human Rights Watch Prison Project. ‘The Russian Federation.’

It is a common practice in some prisons to assign inmates to be administrators over other prisoners. This policy is in direct violation of the UN Standard Minimum Rules for the Treatment of Prisoners as it can cause strife between inmates. In many cases, inmates have been abused or beaten to death by other prisoners.

In 2015, the Russian Public Oversight Commission visited hundreds of facilities and interviewed over 1,000 people including police, prison officers, and inmates to assess the situation in Russian prisons. Along with similar reports of overcrowding and poor sanitation, the Oversight Commission saw that women and their new-born babies are frequently forced to lead separate lives, seeing each other only one to two hours per day, and that their nutrition and health care are inadequate.

Overall, while Russia has made notable efforts to reform its prisons, conditions in the penal system are still lacking in all categories. There is still not enough initiative being taken in the country to solve these issues and create healthy living conditions with the goal of reintegrating inmates into society.

Conclusions

With the creation of anti-extremist legislation that targets minorities, the current government has demonstrated its willingness to sacrifice human rights and religious freedom in order to further its political goals. Authorities have responded to protests and criticisms by Russian citizens with fines and prison sentences. Legislation enacted in 2015 and 2016 has increased punishments for crimes against the state and also facilitates discriminatory behaviour by police officers against 'extremist' minorities.

Targeted groups in 2016 include followers of Said Nursi, who have been labelled as extremists associated with the terrorist group Nurdzhular, which the Russian government claims is funded by the United States and Turkey. That Nurdzhular even exists is highly questionable, since no credible evidence to this effect has been produced. Other religious groups, such as the Jehovah's Witnesses, are being actively persecuted because of their practice of proselyting, which is now illegal in most circumstances.

When international organisations in Russia contest the government's policies, they risk being forced to end their operations in the country. Fourteen NGOs in Russia have had to cease their activities; others have been expelled from the country under the accusation of being 'foreign agents' that aim to destroy Russia.

On 15th December 2015, Putin enacted legislation that allows the Constitutional Court of Russia to pronounce rulings of the European Court of Human Rights to be 'unimplementable' if they violate the supremacy of the Russian Constitution.¹² This is a perilous step to take for any nation that wishes to have the respect and credibility of other countries.

¹² Amnesty International, Annual Report 'Russian Federation 2015/2016.'

Human rights violations in Russia have been bolstered by the Russian government's promotion of a dangerous culture of nationalism, which features contempt towards religious minorities, phobia of foreign influences, and opposition to international organisations that try to influence Russian policy. These sentiments have grown stronger under the Putin administration and threaten to widen the gap between Russia and the democratic world.

The Russian Federation should release all prisoners being held for the peaceful practice of their religion. It should also reverse the ban on proselyting and on reading religious texts, such as the works of Said Nursi, which are unjustifiably categorised as 'extremist' in nature. In addition, it is hoped that Russia will reverse its current trend toward restricting the public space in which civil society and NGOs can freely operate within the country. This freedom is a hallmark of any democratic society and can only strengthen respect for Russia by the international community.