

## **Misuse of the anti-extremist legislation against religious groups**

HRWF (01.08.2017) - SOVA Center in Moscow has just published an analysis of court decisions taken in June on the basis of the extremism legislation. Only non-Orthodox minorities and their publications are targeted by the repression.

The cases identified by SOVA Center clearly show that the courts are fully implementing the concept of "spiritual security" introduced in the Russian legislation in 2000 and which leads to the progressive destruction of religious diversity, freedom of thought and expression in religious matters.

On July 13 SOVA Center paid the 300 thousand rubles fine for having failed to voluntarily register itself as a "foreign agent", - which it denies to be - before that was done by the Ministry of Justice.

SOVA Center asked its readers for help and the amount of 59418 rubles 72 kopecks arrived in their accounts. They are deeply grateful to everyone for their help, but unfortunately, the sum we got was not enough.

Now they have to appeal the inappropriate decisions against SOVA Center up to the European Court of Human Rights.

If you would like to help, please use one of the following bank accounts.  
Please indicate the purpose of your transfer as a Targeted donation for paying the fine.

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ROO Tsentr SOVA

UniCredit Bank

SWIFT: IMBKRUUM

Account 40703840700010865184

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Account details in Euro:

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UniCredit Bank

SWIFT: IMBKRUUM

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Correspondent bank: UniCredit Bank AG,

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### ***Criminal Prosecution of Said Nursi Followers and Scientologists***

In the middle of the month, the Blagoveshchensk City Court of the Amur Region sentenced Yevgeny Kim to three years and nine months of imprisonment with subsequent restriction of freedom for a period of one year, having found him guilty of committing crimes under Part 1 of Criminal Code Article 282.2 (organizing the activities of an extremist organization) and Part 1 of Article 282 (incitement to hatred). According to investigators, Kim, who shared the ideology of Nurcular international religious association (banned in Russia), held religious meetings in Blagoveshchensk in September - December 2015, during which he quoted from the texts of the banned books by Said Nursi. In addition, it follows from the case materials that, during the meetings, he made negative statements against the "infidels", a number of ethnic groups (Russians, Jews, Armenians, English), as well as against a professional group "officers of the FSB," and advocated the exclusive status of the Turkic peoples and of the version of Islam preached by the followers of Nursi.

We do not view Kim's verdict as appropriate in its part pertaining to charges under Article 282.2. We believe that bans against Said Nursi's books as well as the ban of Nurcular association are unwarranted. The latter has never even existed in Russia; there are only individual believers who face persecution for studying Nursi's books. We cannot claim that the charges under Article 282 of the Criminal Code were inappropriate. Nevertheless, it has to be noted that the composition of Article 282 covers public actions aimed at inciting hatred, while Kim's xenophobic remarks were addressed only to a very limited number of participants in the religious meetings.

In early June, FSB officers conducted yet another series of searches on the premises of the Scientology Church of St. Petersburg and homes of some believers as part of the investigation under Article 171 (illegal enterprise), Article 282 (incitement to hatred) and Article 282.1 (organizing an extremist community) of the Criminal Code. According to the investigation, the Scientology Church was engaged in shadow business practices, selling educational programs to its followers and not paying the corresponding taxes. In accordance with the ruling of the Nevsky District Court of St. Petersburg, Anastasia Terentyeva, Ivan Matsitsky, Galina Shurinova, and Sahib Aliev were arrested; Konstantsiya Esaulkova was put under house arrest. During the court hearings on pre-trial restrictions, the FSB investigator stated, in particular, that the Scientologists had created an extremist community with the purpose of humiliating the dignity of some of its members, who comprised a social group "the sources of trouble." Obviously, he was referring to the "potential sources of trouble" category used by Scientologists; believers assigned to this category are prohibited from participating in auditing, that is, in communicating with a Scientology consultant. An FSB representative also stated that the defendants had disseminated extremist literature and advocated the exclusivity of their religion. We view prosecution against Scientologists for extremism as inappropriate. Adherents of any religion view their creed as exceptional, and the prosecution for such assertions is absurd. Psychological pressure (if any) exerted by the Scientologists' against a segment of the Scientology followers, who became a target of criticism by their fellow believers, belongs to the sphere of internal relations within a religious community and has nothing to do with public humiliation of dignity on the basis of belonging to a social group.

### ***Administrative Prosecution against Falun Gong Practitioners***

In June, we learned about three cases of prosecution under Article 20.29 of the Code of Administrative Offences for dissemination (or storage with intent to distribute) of materials that, in our opinion, were inappropriately recognized as extremist. In Abakan, the follower of the Falun Gong spiritual practice was fined for distributing Zhuan Falun, the banned treatise by Falun Gong ideologist Li Hongzhi. Sergei Tuguzhekov faced responsibility after the law enforcement authorities seized a copy of the treatise from him and a computer printout of the same from another practitioner in March. Another case under Article 20.29 was opened in Togliatti against Sergei Ionov, an assistant to a municipal дума deputy from the Communist Party of the Russian Federation for posting on VKontakte the banned video Let's Remind Crooks and Thieves about Their Manifesto-2002 by Alexei Navalny's supporters. Ionov is sure that prosecution against him is connected to his role as the organizer of the June 12 anti-corruption rally. Gennady Makarov, an activist from Yelets in the Lipetsk Region, received five days of administrative arrest for his posts on the social networks VKontakte and LiveJournal, which discussed the fact that the image of Vladimir Putin in makeup had been recognized as extremist. The posts were accompanied by a corresponding image, but the caption, which served as the basis for the ban, had been removed. Makarov believes that the prosecution is related to his civic activities - in particular, to his conflict with the chief of the city police - and intends to appeal the court decision.

As we found out in June, a resident of Alexandrov in the Vladimir Region had been fined under Article 20.28 Part 1 of the Administrative Code (organization of activity of a religious association, in whose respect a decision has been taken to suspend its activity) for holding

regular meetings of the Jehovah's Witnesses religious association in a residential building. You may remember that the activities of the Administrative Center of Jehovah's Witnesses in Russia and nearly four hundred local communities were suspended in mid-March for the duration of the Supreme Court consideration of the claim by the Ministry of Justice's seeking to ban the organization; the claim was satisfied in April.

In late June, after a court hearing in the case of illegal missionary work under Article 5.26 (such prosecutions are covered in our Religion in Secular Society section), Vitaly Arsenyuk, the sixty-seven-year-old leader of the local Jehovah's Witnesses community, died from a major heart attack in Dzhankoy (Republic of Crimea). We consider it necessary to pay attention to this tragic incident, which shows the consequences of the persecution campaign against Jehovah's Witnesses, launched by the authorities, which has no legitimate grounds.

### ***Banning Religious Materials as Extremist***

A number of books that we view as prohibited inappropriately were added to the Federal List of Extremist Materials in June. These include Selected Hadith by Muhammad Yusuf Kandhlawi and Piety and the Fear of God [Blagochestiie i Bogoboyaznennost] by Muhammad Zakariya Kandhlawi, which contain no signs of extremism and have been prohibited only because their authors were ideologists of Tablighi Jamaat movement, banned in Russia (in our opinion, this ban lacked reasonable justifications). Notably, the texts presented in the Selected Hadith collection are the ancient legends about the words and actions of the Prophet Muhammad that are sacred for Muslims; Muhammad Yusuf Kandhlawi only selected and sorted them by subject. The decisions to ban these publications were issued by the Kirovsky District Court of Ufa on February 1, 2017.

In addition, in accordance with the decision of the Svetly City Court of the Kaliningrad Region issued in March 2017, the Federal List of Extremist Materials came to include the books Muslim Faith (Aqidah) by Ahmed Said Kilavuz, Islam. Briefly on What's Most Important by Fahd ibn Ahmad al-Mubarak and From Shiism to Islam by Ali Mohammed al-Qudaibi. We found no incendiary statements in any of the above materials.

The Federal List of Extremist Material also came to include the Jehovah's Witnesses publication Youth Issues: Practical Advice, Volume 2 (N. Y., 2008). The decision to ban the book was issued in March 2017 by the Proletarsky District Court of Rostov-on-Don. Another edition of this book was recognized as extremist in 2009. We believe that bans against Jehovah's Witnesses materials on the basis of advocating the superiority of their religion over others is inappropriate.