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RUSSIA: "Extremism" religious freedom survey, September 2016

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Russia's "Extremism" Law and associated Criminal and Administrative Codes (with ever-harsher punishments) are used to arrest, imprison or fine individuals exercising freedom of religion and belief, punish communities for meeting, and ban publications on religion which do not encourage violations of others' human rights.

"Extremism" legislation has for over 10 years been the biggest single threat to freedom of religion and belief in Russia. While ostensibly aimed at preventing the incitement of violence and hatred on racial, religious, and social grounds, the 2002 "Extremism" Law and associated articles of the Criminal and Administrative Codes are regularly used against religious communities and individuals for beliefs and practices which do not violate the human rights of others.

"Extremism"-related freedom of religion or belief violations are so extensive that they are examined separately here. Other types of freedom of religion and belief violations are analysed in Forum 18's general Russia religious freedom survey <http://www.forum18.org/Archive.php?article_id=2246>.

Law enforcement attention is currently focused (and has been since 2007) on two groups of people exercising their freedom of religion and belief: Jehovah's Witnesses (some of whose local organisations have been banned), whose adherents, congregations, and publications are all targeted; the other group particularly targeted are Muslims who study the works of late Turkish theologian Said Nursi. They are accused among other things of membership of a banned organisation "Nurdzhular" (a russification of the Turkish for "Nursi followers"), although they themselves deny such an organisation has ever existed. Individuals of other beliefs (including atheism) have also been targeted for alleged "extremism", although such cases are so far rare.

Particularly from 2014, there has been a marked increase in the use of "extremism" (and other) legislation against Jehovah's Witnesses in particular, their publications, and their communities. Their activities at every level - from offering literature in the street to the continued operation of their national coordinating body, the Administrative Centre in St Petersburg - are under scrutiny from law enforcement agencies. Prosecutors are also seeking to have the Jehovah's Witness New World version of the Bible banned as "extremist".

"Extremism" legislation is employed against violent nationalist and radical Islamist groups, but it is also used to restrict and punish the exercise of freedom of religion and belief by individuals and religious communities. This fuels an atmosphere of hostility and suspicion towards certain religious traditions. The rhetoric surrounding such cases - from prosecutors' offices, local authorities, and in some cases "anti-sectarian" activists and the Moscow Patriarchate Russian Orthodox Church - also contributes to the impression that particular groups are inherently dangerous. In some cases, this may be enhanced by the release in the media of police or FSB security service "operational footage" of raids and arrests.

The "Extremism" Law is also in force in Crimea, which was annexed by Russia in March 2014. Similar prosecutions under the associated article of the Administrative Code have taken place there (see Forum 18's Crimea religious freedom survey <http://www.forum18.org/archive.php?article_id=2051>).

UN concern

The United Nations Human Rights Committee, in its April 2015 observations on Russia's adherence to the International Covenant on Civil and Political Rights (CCPR/C/RUS/CO/7, <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/RUS/CO/7&Lang=En>), repeated the concerns it expressed in 2009 that "the vague and open-ended definition of "extremist activity" in the ["Extremism" Law] does not require any element of violence or hatred to be present and that no clear and precise criteria on how materials may be classified as extremist are provided in the law" and that "the law is increasingly used to curtail freedom of expression, including political dissent, and freedom of religion".

The Committee reiterated its recommendations that Russia "should revise without undue delay the ["Extremism"] law with a view to clarifying the vague and open-ended definition of "extremist activity", ensuring that the definition requires an element of violence or

hatred and establishing clear and precise criteria on how materials may be classified as extremist", and "should take all measures necessary to prevent the arbitrary use of the law and revise the Federal List of Extremist Materials".

Legal background: principal mechanisms of restriction and repression

The "Extremism" Law provides a range of restrictions and punishments which are supposedly aimed at combating the promotion of hatred on racial, religious, and social grounds, but which are frequently used to curb exercise of freedom of religion and belief, including the peaceful expression of religious beliefs which do not call for the human rights of others to be violated. A key mechanism is the prohibition of religious literature as "extremist material". This can then trigger a sequence of legal measures which may result in the dissolution of communities and the possibility of criminal (as well as administrative) prosecution of individuals.

After a book, for instance, has been banned, anyone suspected of producing or distributing it may be charged under Article 20.29 of the Administrative Code ("Production or mass distribution of extremist materials"). If convicted, individuals face a fine of between 1,000 and 3,000 Roubles, or up to 15 days' imprisonment. Fines for people acting in an official capacity (including individuals such as bookshop owners) range from 2,000 to 5,000 Roubles. Fines for "juridical persons" (which include commercial, publishing, media and registered religious organisations) range from 100,000 Roubles to 1 million Roubles. Each 1,000 Roubles is the equivalent of 125 Norwegian Kroner, 15 Euros or 15 US Dollars.

If police or prosecutors find even a single copy of a banned publication in a place of worship, the community may also be subject to a formal warning of the inadmissibility of "extremist" activity - even though the law specifies "mass distribution" not single copies. No state agency has ever answered Forum 18's questions, originally put in October 2015, on: whether it is right that people should be prosecuted for distribution of texts which do not advocate violence, hatred, or the violation of human rights in other ways; whether such prosecutions are a sensible use of police and prosecutors' time; and why cases are initiated when only one copy of an item has been found.

Repeat offences may lead to prosecutors seeking liquidation through the courts. Once a religious organisation has been ruled "extremist" and dissolved, its former members may face criminal proceedings if they continue to meet (under Article 282.2, Part 1 - "Organisation of the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity" - or Part 2 - "participation" in such an organisation).

The consequences of criminal conviction for "extremism" offences may last long after a fine has been paid or a sentence served (see below).

The provision of the "Extremism" Law most often used to penalise the exercise of the internationally-recognised right to freedom of religion or belief is the definition of "extremism" as "propaganda of the exclusivity, superiority or lack of equal worth of an individual on the basis of their .. religious .. adherence or attitude to religion". This is interpreted by prosecutors and courts as covering claims that a particular religion or belief is superior to others. This is despite the right to make claims about the merits or demerits of any religious or non-religious view being a fundamental part of the internationally-recognised right to freedom of religion or belief.

Prosecutors may also insist that such claims fall foul of a second definition of "extremism" in the Law - "incitement .. of religious discord". The Russian word for discord [rozn] has a broad definition - it may mean simply division. Yet Russia's judiciary ignores the discrepancy between this term and the far stricter corresponding wording of the Criminal Code - "actions directed at the incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of an individual or group of persons on the basis of sex, race, nationality, language, origin, attitude to religion, or social group" (Article 282). The Criminal Code may consequently be used to prosecute simple disagreement about beliefs. When committed by an ordinary member of the public, the maximum punishment under Article 282 is five years' imprisonment or 500,000 Roubles (six years or 600,000 Roubles if accompanied by violence or threat of violence).

Criminal Code Article 282.2 ("Organisation of" or "participation in" "the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity") is the Article which has been used most often in recently years for the criminal prosecution of peaceful religious believers. This now carries a maximum punishment of 10 years' imprisonment or a fine of 800,000 Roubles (see below).

Legal background: recent changes

The Extremism Law and associated sections of the Criminal and Administrative Codes have undergone several alterations since the former's introduction in 2002. Some of these changes have affected (or have the potential to affect) individuals and communities trying to exercise freedom of religion or belief.

Penalties for extremism-related offences have risen significantly in recent years. In February 2014, President Vladimir Putin signed

into law increases in fines, prison terms, and forced labour sentences across all extremism articles of the Criminal Code. For Article 282.2 ("Organisation of" or "participation in" "the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity"), this included a doubling of the maximum terms of imprisonment from three to six years for offences under Part 1 ("organisation") and from two to four years under Part 2 ("participation"). Such increases mean that cases under Article 282.2 can no longer be tried in a magistrate's court. These amendments also reclassified "extremism" offences from "minor" to "serious". This allowed law enforcement agencies to keep suspects in custody more easily and simplified the obtaining of permission for surveillance practices such as phone tapping.

Penalties became harsher still with the signing into law on 6 July 2016 of the so-called Yarovaya "anti-terrorism" legal changes (proposed by United Russia deputy Irina Yarovaya and Senator Viktor Ozerov). Among other changes - including harsh restrictions on sharing beliefs (see Forum 18's general Russia religious freedom survey <http://www.forum18.org/Archive.php?article_id=2246>) - these changes to the Criminal Code, which came into force on 20 July 2016, prescribe the following penalties under Article 282.2:

Part 1 ("organisation"): a fine of 400,000 to 800,000 Roubles; or 2 to 4 years' income; or 6 to 10 years' imprisonment with a ban on working in one's profession of up to 10 years and restrictions on freedom for 1 to 2 years.

Part 2 ("participation"): a fine of 300,000 to 600,000 Roubles; or 2 to 3 years' income; or compulsory labour for 1 to 4 years with a ban on working in one's profession for up to 3 years or with restrictions on freedom for up to 1 year; or 2 to 6 years' imprisonment with a ban on working in one's profession for up to 5 years or with restrictions on freedom for up to 1 year.

No prosecutions under these amended terms are known to have begun between 20 July and mid-September 2016. Only one criminal case against religious believers (involving three Muslims prosecuted for meeting to study Said Nursi's works) is known to have been brought to court under the February 2014 amendments.

An amendment to the Extremism Law of 31 December 2014 forbids former leaders of banned "extremist" organisations from founding other public organisations for a period of 10 years. Like the Extremism Law in general, while ostensibly aimed at those who do engage in violent or hatred-inciting activity, this provision may also restrict the freedoms of religious leaders and communities which do not. For example, the directors or founding members of liquidated Jehovah's Witness communities are barred from setting up another congregation.

In response to a highly controversial attempt to outlaw a book of commentary on Koranic verses, an Extremism Law amendment of 23 November 2015 now prohibits the banning of the sacred texts of four so-called "traditional religions" as "extremist" material (see below).

Literature bans and the Federal List

Publications about religion or beliefs which do not call for the human rights of others to be violated continue to be ruled "extremist" and placed on the Justice Ministry's Federal List of Extremist Materials, alongside material (both religious and non-religious) which does have violent or racist content. The efficacy of banning texts is questionable (particularly in an internet age), as is whether a text can be definitively proven to have caused acts of hatred or enmity. For many items there is a defensible justification for their inclusion on the List, as their titles suggest white supremacist and/or ultranationalist content. Some of the Islamic authors listed, such as Sayyid Qutb and Abu Ala Maududi, have promoted violence. But the justification for the inclusion of other items is doubtful. For example, two texts on the List argue for peace and respect for human rights: Muslim theologian Muhammad ali Al-Hashimi's "The Personality of a Muslim"; and the Chinese spiritual movement Falun Gong's leaflet "Global Human Rights Torch Relay".

Addition to the List prohibits their production and distribution within Russia. The List's length, complexity, bibliographical shortcomings, and irregular updates make it very difficult or even impossible to check whether a particular item has been banned. This leaves individual people as well as religious communities vulnerable to prosecution and fines under Article 20.29 of the Administrative Code ("Production or mass distribution of extremist materials") (see below).

The reasons given in court verdicts for banning particular texts frequently include alleged claims of the "exclusivity" or "superiority" of one religion, which prosecutors argue is detrimental to the rights and interests of adherents of other faiths. The freedom to make claims about the relative merits or demerits of religious or non-religious views is a central part of the internationally-recognised right to freedom of religion or belief.

The Federal List was first made public in July 2007 with 14 entries. By mid-2008 this number had grown to over 200 - by mid-2012, to over 1,300. As of mid-September 2016, it stands at 3,869 entries, many of which contain multiple items banned in the same court hearing. Full details of the edition, publisher, and date of printed material are often missing. The removal of an item from the Federal List is rare and can be short-lived (see below), and in recent years new texts have been added at an increasing rate.

Prosecutors in Vyborg are attempting to have the Jehovah's Witness New World Bible banned as "extremist". The case, which had

its preliminary hearing at Vyborg City Court on 26 April 2016, is suspended - as of mid-September 2016 - while additional "expert" analysis is carried out. Jehovah's Witnesses do not know when proceedings will resume, spokesman Ivan Belenko told Forum 18. Prosecutors submitted the suit despite the introduction of an amendment to the Extremism Law preventing the banning of several sacred texts (see below).

The 4,000 New World Bibles (in Russian and Ossetian) are among some 10 million items impounded by Russian customs on the Finnish border during 2015. Since March 2015, all attempted shipments of Jehovah's Witness literature have been blocked "with no reason, no legal right and no court ruling", Belenko told Forum 18, on the grounds that they are "goods supposedly prohibited from being imported into the territory of the Russian Federation". Jehovah's Witness branches in Russia and Finland have tried unsuccessfully to have the customs seizure of their materials declared unlawful. The North-West District Arbitration Court refused their most recent, cassational appeals on 8 June 2016.

Law enforcement attention is not only directed towards hard-copy publications, but increasingly also towards online materials, including websites, audio and video files, social media posts, and electronic versions of existing texts. The Jehovah's Witnesses' main website, jw.org, has been banned as "extremist" (in all language versions, not only Russian, Forum 18 notes) after a long-running case eventually concluded at the Supreme Court in December 2014. Supreme Court judges ruled that access to the site should be blocked because it contained copies of previously prohibited religious literature. In May 2016, Frunze District Court in Ivanovo also banned and ordered the blocking of a Jehovah's Witness online library hosting multilingual editions of hundreds of religious books and brochures, the Watchtower magazine, and the Bible (including the English-language King James and other translations, alongside the Jehovah's Witnesses' own New World version).

Court verdicts seen by Forum 18 show that law enforcement agencies, including the FSB security service, systematically search websites and social media to find uploaded "extremist" content. "Fortress of a Muslim", for example, a volume of prayers for everyday occasions, has been blocked across multiple sites as well as banned in hard copy. The Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor) also has the authority to block sites, apps, and webpages without recourse to the courts. Libraries, educational institutions, and even cafes are also frequently reprimanded for failing to put in place adequate content filters to prevent users of their networks from accessing "extremist" material online.

Although Jehovah's Witness and Islamic literature form the bulk of religious items which appear on the Federal List, the publications (both hard copy and online) of other religions may also sometimes fall foul of the vague definitions of the Extremism Law. Several items of the Chinese spiritual movement Falun Gong have also been outlawed, including, in 2011, its core spiritual text "Zhuan Falun" (Turning the Law Wheel). Also banned is a sermon given in 1900 by Metropolitan Andrey Sheptytsky, a candidate for sainthood in the Catholic Church who at the risk of his own life saved Jews from the Holocaust. Officials have refused to tell Forum 18 why the sermon was ruled "extremist".

In November 2014, a video linked to the Russian Orthodox Autonomous Church (ROAC) was also declared "extremist". The 30-minute film, entitled "Bailiffs' Piety", shows the attempted seizure in October 2012 of saints' relics from an ROAC parish in the town of Suzdal. The film is critical of the Moscow Patriarchate and the far-right Liberal Democratic Party (LDPR). Vladimir Regional Court upheld the ban in February 2015. Although the video's original host, portal-credo.ru (whose editor Aleksandr Soldatov was a party to the case), has removed it from its website, the film remains available on YouTube. If it is posted or shared within Russia, however, the perpetrator would be subject to prosecution under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials"). Forum 18 is not aware of any prosecutions based on distribution of this video.

In 2012, an attempt in Tomsk to ban "The Bhagavad Gita As It Is", a key text for Hare Krishna devotees, was unsuccessful after a public outcry in both Russia and India.

Ease of adding, difficulties of removal

Getting books and other materials deleted from the Federal List is a drawn-out and difficult process which can demand considerable resources from publishers and religious communities. In addition, removal offers no guarantee that an item will not be returned to the List in future. By contrast, having titles added is straightforward for prosecutors and law enforcement.

Any district, municipal, or regional court may decide that a book, leaflet, song, slogan, video, website or webpage has "extremist" content upon the request of a prosecutor's office. Publishers and any religious community which might have an interest in the outcome of such a consideration are often not informed of such proceedings.

Judges usually base their decisions on allegedly linguistic, psychological, and sometimes religious-studies "analysis" presented to the court. This can be carried out by individuals engaged or employed by the police or FSB themselves. However, courts will often suspend proceedings to allow for repeat examination of the material by court-appointed "experts" - sometimes university academics, sometimes employees of dedicated centres for "expert" testimony. Many of these "experts", including those appointed by courts, may not be experts in the particular belief whose texts are under scrutiny. They may also have a track record of producing biased opinions which conclude that material from certain groups or of certain types are "extremist".

A copy of a ruling banning a particular work is sent to the Justice Ministry, which then adds the item to the Federal List. The List itself may be viewed and searched on the Ministry's website. Updates are also published in "Rossiyskaya Gazeta", the Russian government's official newspaper. Additions may nevertheless not appear for weeks or even months, leaving publishers, religious communities, and individuals at risk of prosecution and making it difficult to appeal because the rulings have already entered legal force.

In September 2015, a group of deputies in parliament's lower house, the State Duma, proposed an amendment to the Extremism Law which would have restricted extremism rulings on literature and other materials to regional or republic-level courts. This was cautiously welcomed by some lawyers and rights activists, but appears to have stalled at the committee stage.

Comparatively few "extremism" bans have been successfully overturned. Only 97 entries have been removed from the List since 2007, out of total of more than 3,800, many of which contain multiple items. Sixty of these comprised religious materials, fifty of which were Islamic texts from the same case in Orenburg. Of the rest, four were entries relating to the Falun Gong spiritual movement (removed in April 2009), three were books by the late Turkish theologian Said Nursi (removed in May 2013), and three were Jehovah's Witness brochures (removed in March 2014 and April 2015).

Any removal may be short-lived, since the Russian legal system is not based on precedent and prosecutors can bring a fresh suit against the same material. The Falun Gong and Nursi material has since been re-added to the List. Even as the SÃ¼zler publishing house was appealing against the ban on their editions of three Nursi books in Krasnoyarsk, two of the titles were banned again by the same court in a second attempt by prosecutors, while the third was ruled "extremist" in Kaliningrad.

In July 2015, 50 Islamic texts were at last deleted from the Federal List, after a convoluted appeal process lasting nearly three years. They were among 68 items declared extremist in a twenty-minute hearing in March 2012 at Orenburg's Lenin District Court, whose ruling did not become public until after the initial appeal period had passed. Orenburg Regional Court accepted five appeals from authors and publishers in September 2012, but the delay meant that the original verdict could come into force in the meantime. This led to numerous prosecutions for distribution of the prohibited titles.

Appeal proceedings were twice suspended for repeat "expert" analysis to be carried out. Drawing on this analysis, Orenburg Regional Court decided in February 2015 that only 18 of the texts should remain on the Federal List. Because the verdict failed to rule explicitly on the fate of the remaining 50, however, lawyers had to apply to Lenin District Court again to have the original "extremism" designation reversed. Although this application was successful in May 2015, it took until July for the Justice Ministry to remove the reprieved titles from the Federal List.

The impact of a verdict's reversal may also be limited by the banning of the same text in other editions, Forum 18 notes. Of the 50 items reprieved in Orenburg, 11 remain on the Federal List in different editions, outlawed by "extremism" rulings by courts in different parts of Russia. Individuals must therefore check the edition of a book carefully in order to avoid prosecution. Cases have occurred in which defendants have avoided fines because judges decided that the item in question could not be shown to be the same edition as the one on the Federal List, but no guarantee exists that prosecution or conviction can be avoided on these grounds.

Exemption of some sacred texts from being banned

After a controversial attempt to outlaw a Koranic commentary as "extremist", legislators amended the Extremism Law on 23 November 2015 to prohibit "extremism" bans on the major sacred texts of the so-called "traditional religions".

Prosecutors on the Far Eastern island of Sakhalin had attempted to ban "Supplication (du'a) to God: its significance and place in Islam", claiming that it promoted "the exclusivity, superiority or inferiority of a person according to his social, national or religious affiliation". Although the suit was initially upheld by Yuzhno-Sakhalinsk City Court on 12 August 2015, this decision was overturned by Sakhalin Regional Court on 5 November 2015 after several appeals from Muslim organisations and individuals, including controversial Chechen leader Ramzan Kadyrov. The text consists of quotations from the Koran accompanied by explanatory comments. Muslim leaders and lawyers were therefore concerned that an "extremism" ban would effectively ban the Koranic verses themselves.

The November 2015 amendment states that "the Bible, the Koran, the Tanakh, and the Kanjur, their contents, and quotations from them" may not be ruled extremist. Despite the fact that the amendment does not restrict this protection to particular versions or translations, the Jehovah's Witness New World Bible remains in danger of prohibition as "extremist" material (see above).

The amendment makes no alteration to those parts of the Extremism Law which have frequently been used to outlaw religious texts for "propaganda of the superiority of one's own religion". Concerns also remain that other faiths and denominations are left vulnerable to discrimination by the focus on "traditional" religions - the Kanjur, for example, is a canonical text in Tibetan Buddhism (considered by Russian officials to be "traditional" Buddhism); the sacred writings of the Zen and Theravada schools remain unprotected by the amendment.

Despite these shortcomings, it appears that the amendment has prevented some religious texts from being deemed "extremist". In

what appears to be the first application of the amendment, in December 2015 Pervouralsk City Court refused to ban two Islamic texts, "Is the Doctrine of the Trinity Divinely Inspired?" and "Selected Hadith", citing the fact that they both contained quotations from the Koran. This is despite the fact that the amendment refers only to quotations themselves, not specifically to the books which contain them. Prosecutors appealed unsuccessfully against the rulings on 15 March 2016 at Sverdlovsk Regional Court.

Two entries on the Federal List - No. 2041 (online article "Akhyr Zaman" ["End of the World"] by Airat Dilmukhametov) and No. 3298 ("Metaphysics of Youth", banned for its racist and neo-Nazi content) - bear the caveat that the ban excludes quotations from the Koran and the Bible respectively. In the first of these, the exclusion was made in 2013, before the amendment to the Extremism Law, on the basis of an appeal court verdict which ruled that the extremism designation should not apply to the Koranic verses cited in the text. No other entries for texts which contain extracts of sacred writings appear to have been altered.

Administrative prosecutions: Article 20.29

Recent years have seen a significant rise in the number of individuals and communities prosecuted for the so-called "production or mass distribution of extremist materials" (Article 20.29 of the Administrative Code). Despite the explicit wording of "mass distribution", police and prosecutors have initiated such cases even if only one copy of a banned item has been found and even if little or no evidence exists of any intention to share the material.

Forum 18 found a total of 65 prosecutions in 2014 for alleged distribution of banned religious material which did not appear to incite the violation of human rights, violence, or hatred. These resulted in the imposition of 56 punishments (all fines) after appeals. Fifty-five instances involved Islamic literature or videos, and 10 involved Jehovah's Witness texts. In 2015, this rose to a total of 89 prosecutions leading to 79 punishments after appeals, including four jail sentences. While 55 cases were again based on possession of Islamic material, the number involving Jehovah's Witness literature showed a noticeable increase to 32 prosecutions (a further two involved Falun Gong texts). This is consistent with the general increase in law enforcement attention towards Jehovah's Witnesses.

Alongside the increase in prosecutions for Jehovah's Witness material, a number of other characteristics and trends may be discerned. Hard copies of banned items still dominate among religion-related prosecutions, despite the fact that online material dominates overall (religious and non-religious). There is a noticeably high rate of conviction and a low rate of appeal success. The majority of cases Forum 18 found in 2014 and 2015 arose from raids or inspections carried out by law enforcement officials, usually with the aim of "checking compliance with anti-extremism legislation", according to court verdicts. In a few cases against Jehovah's Witnesses, prosecutors brought charges after an individual handed in a text to the police or security services after receiving it in the street or at a meeting.

Jehovah's Witnesses have also provided video and other evidence (also published on their jw.org website) that the "extremist" materials found in their homes and places of worship are apparently planted by police during raids, and that law enforcement agencies "have increasingly resorted to fabricating evidence to justify charges of extremism against Jehovah's Witnesses". The Jehovah's Witnesses have long instructed their members not to distribute titles which appear on the Federal List and to remove these from their Kingdom Halls.

An amendment to the Administrative Code in May 2015 doubled the minimum fine under Article 20.29 ("Production or mass distribution of extremist materials") for "juridical persons" (which include commercial, publishing, media and registered religious organisations) to 100,000 Roubles. The maximum fine was raised ten-fold to 1 million Roubles. Fines for individuals or official persons have not been increased since the Article's introduction in 2007. If convicted, individuals continue to face a fine of between 1,000 and 3,000 Roubles, or up to 15 days' imprisonment. Fines for people acting in an official capacity (including religious leaders and individuals such as bookshop owners) range from 2,000 to 5,000 Roubles. Organisations may also be obliged to suspend their activities for up to 90 days.

Liquidation of local communities first..

As a direct consequence of the Extremism Law, religious communities which have not violated human rights or called for this may nevertheless be dissolved and lose the rights which come with being a registered legal entity (such as the ability to own/rent property, open a bank account, and employ staff), and be listed as "extremist" organisations. Former members are then put in danger of criminal prosecution if they continue to meet. The principal current targets have so far been local Jehovah's Witness communities.

However, the Jehovah's Witnesses' principal body in Russia is also under threat of dissolution after it received an official warning in March 2016 from the General Prosecutor's Office. This may amount to an outright ban on all Jehovah's Witness activity in the country if prosecutors follow through. The St Petersburg-based Administrative Centre is now attempting to have the warning "that engaging in extremist activity is not permitted" declared unlawful at Tver District Court in Moscow - the first hearing is due to take place on 23 September 2016. The warning is explicitly predicated on the alleged "extremist" activities of the local communities (and their members) which the Centre oversees and supports - several of which have already been ordered to be dissolved.

If prosecutors pursue liquidation, it is likely that "Because of their affiliation with the Centre, all religious associations of Jehovah's

Witnesses - 406 local religious organizations (legal entities) and over 2,500 congregations - may also face liquidation," Jehovah's Witnesses complained on their international site jw.org on 27 April 2016. "As a result, Witnesses throughout Russia could lose their Kingdom Halls (houses of worship)." The Centre would be added to the Justice Ministry's Federal List of Extremist Organisations, and its property would be taken over by the state. This List mainly comprises far-right and violent nationalist groups.

The warning states that the Centre will be subject to dissolution if it does not take "specific organisational and practical measures" within two months in order to eliminate violations of the Extremism Law, or if new evidence of extremism is uncovered. It does not elaborate, however, on what such measures may be or how they will be monitored. It appears that any subsequent extremism-related conviction of an individual or local community may provide grounds for liquidation.

Increasing numbers of local Jehovah's Witness organisations are being declared "extremist" and ordered to be dissolved and their property taken over by the state. Before 2014, only one (in Taganrog in 2009) had been dissolved on such grounds. Since May 2014, this has happened to seven communities - Samara, May 2014, upheld by the Supreme Court in November 2014; Abinsk, March 2015, upheld in August 2015; Tyumen, October 2015, overturned by the Supreme Court in April 2016; Belgorod, February 2016, upheld in June 2016; Stariy Oskol, February 2016, upheld in June 2016; Elista, February 2016, upheld in July 2016; Oryol, June 2016, appeal to the Supreme Court submitted in August 2016. So far, only the Taganrog, Samara, and Abinsk communities appear on the Federal List of Extremist Organisations and so have had their property taken over by the state.

Prosecutors submitted a liquidation suit against another community, in Birobidzhan in the Jewish Autonomous Region, in September 2016.

Two further attempts at liquidation have so far been unsuccessful. In Arkhangelsk a prosecutor's suit was refused by the regional court in June 2016. However, in April 2015 this community sought voluntary liquidation after coming under heavy pressure from the local government, law enforcement agencies and Moscow Patriarchate "anti-sect" activists. The other so far unsuccessful liquidation attempt is in Cherkessk, where proceedings were opened in May 2015. These were delayed by other civil cases involving the congregation, and have not yet re-started. The community has been subject to law enforcement raids and illegal searches, the claimed planting of banned "extremist" materials, prosecutions, searches of its members' homes, and claims "beatings and severe psychological pressure" by police against one of its leaders. Jehovah's Witnesses think the liquidation suit is an attempt to seize their property for commercial development.

At least nine other communities are known to have received formal warnings of "the inadmissibility of extremist activity" since spring 2015 (some of which have now expired). Three of these - Tikhoretsk (Krasnodar), Chapayevsk (Samara), and Shakhty (Rostov) - are in regions which have already seen the liquidation of Jehovah's Witness congregations (in Abinsk, Samara, and Taganrog respectively). The other six are in Kaluga, Vilyuchinsk on the Far Eastern Kamchatka peninsula, Teykovo in Ivanovo Region, Stavropol, Novorossiysk, and Prokhladny in the Republic of Kabardino-Balkariya. Four communities (Tikhoretsk, Teykovo, Chapayevsk, Prokhladny) are so far known to have gone to court to have the warnings recognised as unlawful, all unsuccessfully.

All community dissolutions have followed a similar path, Forum 18 notes. They have involved the discovery of "extremist" literature by law enforcement, charges under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials"), prosecutors' warnings, and allegations of repeat offences, leading to prosecutors seeking liquidation through the courts.

As well as the loss of legal status and concomitant rights, communities dissolved for "extremism" also face the possibility of criminal prosecution of their former members for continuing to meet (see Taganrog case below). A further consequence introduced in July 2016 by an amendment to the Religion Law is a ban on former members of "extremist" religious organisations carrying out broadly defined "missionary activity", as well as imposing harsh restrictions on anyone sharing beliefs, including where and who may share them, and increased "extremism" punishments, introduced with alleged "anti-terrorism" changes (see Forum 18's general Russia religious freedom survey <http://www.forum18.org/Archive.php?article_id=2246>).

Criminal prosecutions of alleged associates of nationwide banned groups

Criminal prosecutions are also brought against those alleged to be associated with organisations which have been banned nationwide. The principal targets so far have been Muslims who study the works of Said Nursi. These suffer the most frequent criminal prosecutions and harshest punishments. They are charged with involvement in the "extremist" organisation "Nurdzhular" (a Russification of the Turkish for "Nursi followers"), which Muslims in Russia deny even exists but which was banned in April 2008. Unlike the pattern for Jehovah's Witnesses, most "extremism" rulings on Nursi's works and law enforcement scrutiny of the works' readers came after the Supreme Court decision banning "Nurdzhular". For Jehovah's Witnesses, actual and potential bans on their organisations have followed the prohibition of literature and prosecution of individuals.

After a relative lull in law enforcement activity against readers of Nursi's books in 2012 and into 2013, raids and investigations have been carried out in several regions across Russia, and a total of 34 people have been charged since the beginning of 2013 (resulting in 21 convictions by mid-September 2016). This compares with 21 charged (and 12 convicted) between April 2008 and the end of 2012.

The figure of 34 includes - as of mid-September 2016 - 11 individuals facing charges under Article 282.2, Parts 1 and 2 ("Organisation of" or "participation in" "the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity"), in Krasnoyarsk, Chelyabinsk, Novosibirsk, and Makhachkala, four of whom are being held in pre-trial detention. The FSB security service is responsible for all these investigations. Three of the men awaiting trial have been charged for the second (Komil Odilov in Novosibirsk, Ziyavdin Dapayev in Makhachkala) or third time (Andrei Dedkov in Krasnoyarsk) for identical "crimes".

Muslims who come under suspicion of involvement in "Nurdzhular" are accused of having met to study and discuss books written by Said Nursi, many of which have been banned as "extremist material", and of creating "cells" by encouraging others to join in. According to FSB documents, which Forum 18 has seen, such activities are allegedly aimed at "the formulation .. of a positive attitude to death, combined with a willingness to sacrifice oneself in the interests of [Nursi's] teachings" and promoted "propaganda of the superiority and inferiority of citizens according to religion" - similar language is used in reference to numerous cases. Prosecutors and investigators offer no concrete evidence in support of such claims.

Prosecutions of Muslims who read Nursi's works usually begin with (often armed) raids on the homes of people whom law enforcement agencies suspect of "continuing the activities of a banned extremist organisation [Nurdzhular]". Such raids involve the seizure of computers, phones, and religious literature, and the arrest and interrogation of individuals. Suspects are sometimes then kept in pre-trial detention, or are put under house arrest or travel restrictions as the investigation continues - which may take several months.

Under Article 109 of the Criminal Procedural Code, individuals can initially be held in custody for up to two months, and investigators must seek any necessary extensions to this period by application to a district court. Pre-trial detention in extremism-related prosecutions can generally be extended to a maximum of six months, with a maximum of one year in serious cases.

According to Russian law, people under house arrest are not allowed to leave their registered places of residence except for medical reasons, to communicate with anyone involved in the case except lawyers and investigators, to send or receive post, or to use the telephone or internet except under certain conditions.

Prosecutions under Article 282.2 ("Organisation of" or "participation in" "the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity") are usually held in open court, according to Yuliya Zhemchugova, a lawyer who has acted in such cases. Court listings, however, are often obscure, with defendants' names and other details omitted. Most cases involve multiple defendants and lead to lengthy trials often marked by delays. Even if the two-year time limit on criminal prosecutions expires, court proceedings will still have been time-consuming and expensive for defendants. Six cases against a total of 11 Muslims who read Nursi's works have ended at the two-year cut-off point. This does not mean, however, that defendants cannot be prosecuted again for an identical "crime".

Of the 21 people charged and convicted since the beginning of 2013, 15 received a fine, four a suspended sentence, and two a jail term. March 2015 saw the first application of increased punishments for Article 282.2 offences (introduced in February 2014) - Bagir Kazikhanov was sentenced to three and a half years' imprisonment, while his fellow defendants, Stepan Kudryashov and Aleksandr Melentyev, got suspended sentences of two years and one year and eight months respectively. Nobody had been charged by mid-September 2016 since the Article 282.2 penalties were raised again in July 2016.

Even after a fine has been paid or a prison term served, an individual can face further consequences, including restrictions on employment and civic life, and continued presence on the "list of terrorists and extremists" maintained by the Federal Financial Monitoring Service (see below).

Nothing in Nursi's writings appears to advocate hatred, violence, or the violation of any human right. The grounds for Russia's ongoing nationwide campaign against people who read and share his works are obscure, with quite different reasons offered for banning texts and "Nurdzhular" in different contexts. The primary cause, however, appears to be state opposition to "foreign" spiritual and cultural influence.

Little or no reasoning is given in the court decisions which have added Nursi's works to the Federal List, Forum 18 notes. Among the few specific instances of "extremism" cited, for example, are Nursi's descriptions of non-Muslims as "frivolous", "philosophers" and "empty-talkers". The freedom to criticise any religious or non-religious belief is, however, a central part of freedom of religion and belief.

Despite the fact that defendants are supposed to be considered innocent until proven guilty, they tend to be portrayed by both law enforcement bodies and some local media as guilty and dangerous even at the early investigatory stage. Footage of raids made by police and FSB officers may be broadcast on regional TV channels and news websites, showing banned literature allegedly uncovered by searches, and suspects at the point of arrest.

One FSB video released by local news site amur.info shows part of the December 2015 raid in Blagoveshchensk which led to the arrest of two of the men awaiting trial - as of mid-September 2016 - for alleged involvement in Nurdzhular - the men and their friends can be seen facing the walls of an apartment with their hands secured behind their backs, while FSB officers pile religious books into bags; the suspects are then led outside, still handcuffed, to be taken by minibus to interrogation. Similarly, a TV news report on "Vesti Perm" in 2013 showed the arrest by armed OMON riot police of "seven members of the banned international religious association Nurdzhular". The newsreader added that "the organisation promotes intolerance and incites religious hatred". The suspects were later charged under Criminal Code Article 282.2 ("Organisation of" or "participation in" "the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity") and convicted in 2015.

Criminal prosecutions of alleged associates of locally banned groups

Criminal prosecutions are also brought against those alleged to be associated with local communities which have been closed down for alleged "extremism". Jehovah's Witnesses have so far been the most subject to this type of criminal prosecution under "extremism" Criminal Code articles. The largest and longest-running such trial came to an end in Taganrog in the southern Rostov region in November 2015, with the conviction of sixteen former members of the city's liquidated Jehovah's Witness community. Apart from the Taganrog case, nine people are known by Forum 18 to have been charged with extremism-related offences since 2011. In contrast to the campaigns against Muslims who read Said Nursi's works, these criminal prosecutions of Jehovah's Witnesses have resulted in the conviction of only three individuals (sentenced to community service), one of whom was acquitted on appeal.

Action against Jehovah's Witnesses appears less likely to take the form of criminal prosecution of individuals and more likely, as outlined above, to consist of concerted attempts by prosecutors to shut down their activity on a broader scale, through the dissolution of communities and the prevention of sharing of beliefs. While the total number of criminal cases may be small, Jehovah's Witnesses are now disproportionately represented among administrative prosecutions for distributing "extremist" materials. They are also disproportionately represented in prosecutions for public events without state permission (see Forum 18's general Russia religious freedom survey <http://www.forum18.org/Archive.php?article_id=2246>).

While the other criminal prosecutions of Jehovah's Witnesses employed Article 282, Part 1 ("Actions directed at the incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of an individual or group of persons on the basis of .. attitude to religion"), the Taganrog case was the first use of Article 282.2 ("Organisation of" or "participation in" "the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity"), relating to the activities of a banned "extremist" organisation, thus illustrating the final stage in the chain of restrictions and punishments by which freedom of religion and belief may be curtailed under the Extremism Law.

The Taganrog Jehovah's Witness community was ruled an "extremist" organisation in 2009 and formally dissolved in January 2010. Some of its former members continued to meet to pray and read the Bible in private homes, but were charged with "continuing the activity of an extremist organisation" under Article 282.2, Parts 1 and 2). Four of them were also charged with "involving a minor in a criminal group.. or crimes motivated by political, ideological, racial, ethnic or religious hatred (Article 150, Part 4). The case against them reached the two-year deadline in August 2013, but the defendants requested that proceedings continue so that they could prove their innocence. In July 2014, seven of the 16 were found guilty and received fines (which were waived) - four also received suspended prison sentences. The remaining nine were acquitted. An appeal judge sent the case back for re-examination, and more than 60 hearings later, all 16 defendants were convicted and given (waived) fines and suspended sentences in November 2015. Their subsequent appeal failed in March 2016, and their only remaining option is now an appeal to the European Court of Human Rights in Strasbourg, which has not been ruled out, a Jehovah's Witness spokesman told Forum 18.

Rosfinmonitoring's financial blacklisting

Individuals who are involved in criminal extremism cases - whether convicted, charged, or merely suspected - may be placed on the "List of terrorists and extremists" maintained by the Federal Financial Monitoring Service (Rosfinmonitoring). The list collates the names of those "against whom there is evidence of their involvement in extremist activity or terrorism". Banks are obliged to freeze the assets of people who appear on this list, meaning that they cannot withdraw or transfer money, receive salary payments, or use their bank cards. Since 30 January 2014, the law has been relaxed to allow small transactions not exceeding 10,000 Roubles per month.

The names of nine of the 11 defendants in the four ongoing "Nurdzhular" extremism cases have been added to the list. Eleven of the 33 men and women who have been convicted of extremism for studying Nursi's works since 2010 also appear (three of these are among those facing charges as of mid-September 2016). None of the Jehovah's Witnesses known by Forum 18 to have been charged with extremism-related offences appears, however, including the 16 found guilty in Taganrog.

Because extremism-related crimes are classified as "serious", those found guilty may remain on the Rosfinmonitoring List for up to eight years (see below).

Government Decree No. 804 of 6 August 2015 regulates the operation of the list. According to this, Rosfinmonitoring adds a person's details to the list upon receiving notification from the General Prosecutor's Office or regional/republic-level prosecutors of a court decision which has entered legal force, or upon receiving information from law enforcement bodies (Investigative Committee organs, the police, the FSB security service) about an individual who has been charged with or is suspected of an offence. In the public version, these details include full name and date and place of birth, and are freely accessible on the Rosfinmonitoring website.

Forum 18 notes that the list appears to violate the presumption of innocence by including people who have not been convicted. Also, the publicly available list makes no distinction between those suspected or convicted of terrorism and those suspected or convicted of "extremism".

A name should be deleted from the list if the General Prosecutor's Office or regional/republic-level prosecutors notify Rosfinmonitoring of a) the overturning of a sentence; b) the ending of a criminal case against an individual by a court; or c) the cancellation of a person's criminal record (sudimost), or if law enforcement agencies inform Rosfinmonitoring that an individual is no longer suspected of a crime, that charges have been dropped, or that the statute of limitations has expired.

An individual may also request his or her own removal from the list.

A person's conviction is considered spent (pogashennaya sudimost) a certain period of time after their sentence has been served, depending on the nature of the sentence and the category of the offence. It may also be lifted early (snyataya sudimost) upon application to a court with evidence of good character.

People with active criminal records are prevented from holding a number of jobs, including those in education, finance, the law and law enforcement, and aviation security. They may also be prevented from serving in the armed forces and voting or standing in elections. Imam Ilhom Merazhov, convicted in 2013 of involvement with "Nurdzhular", was sacked from his university teaching position, his lawyer Yuliya Zhemchugova told Forum 18, though he was not deprived of voting rights. She added that, as well as practical consequences, criminal conviction for "extremism" means that a person "will always be in the field of view of law enforcement" and at risk of further prosecution.

With a suspended sentence, the conviction is spent when the probation period (determined by the judge at the time of sentencing) is over. With a non-custodial sentence (fine, community service), the conviction is spent after one year. Extremism-related offences are categorised as serious crimes (as of February 2014) - extremism convictions resulting in custodial sentences are therefore not spent until eight years after they are served (for custodial sentences imposed before extremism offences were moved into the higher category, this period was three years).

European Court of Human Rights

Once they have exhausted all possibilities within the Russian legal system, defendants in "extremism" cases can seek redress through the European Court of Human Rights (ECtHR) in Strasbourg. The workings of the Court are slow, however, and it may take months or years before a case is declared admissible, let alone heard. Lawyers for the 16 Taganrog Jehovah's Witnesses convicted in November 2015 are considering whether to lodge an application.

Imams Ilhom Merazhov and Komil Odilov, given suspended sentences in 2013 for alleged involvement in "Nurdzhular", appealed to the Court in January 2014 (Application Nos. 6731/14 and 6738/14). The Court has not yet decided on the admissibility of their cases.

Twenty-five more cases relating to extremism proceedings in Russia have been accepted and are pending before the Court as of mid-September 2016, according to the ECtHR press service. Three of these are based on objections to "extremism" rulings on Said Nursi's works, the rest on objections to "extremism" bans on Jehovah's Witness material, the liquidation of the Taganrog Jehovah's Witness community, and various other counter-extremism activities of Russian law enforcement. The applicants claim that local court rulings violated their rights under Article 9 (freedom of religion and belief) and Article 10 (freedom of expression) of the European Convention on Human Rights and Fundamental Freedoms.

Application No. 28621/11, "Yedinoe Dukhovnoe Upravlenie Musulman Krasnoyarskogo Kraya vs. Russia" - lodged in April 2011 by the United Spiritual Administration of Muslims of Krasnoyarsk to challenge the rulings of local courts that "The Tenth Word" - from Nursi's "Risale-i Nur" collection of Koranic commentary - constituted "extremist" material. The ECtHR has accepted the case. The Russian government responded to the applicant organisation's claims in March 2014, saying it did not accept the claims and asking that the ECtHR reject the appeal as unfounded. The applicant has submitted its observations in turn, and the case is pending before the Court as of mid-September 2016.

Application No. 1413/08, "Ibragimov and Cultural Educational Fund 'Nuru-Badi' vs. Russia" - lodged in December 2007 by the publisher Nuru-Badi and its director Ibragim Ibragimov to challenge the rulings of local courts that multiple texts from the Risale-i Nur collection constituted extremist material. The claims were communicated to the Russian government in March 2011, and both government and applicant have submitted their observations. The case is pending before the Court as of mid-September 2016.

Application No. 30112/08, "Valiullin and The Association of Mosques of Russia vs. Russia" - lodged in February 2008 by the Association of Mosques and lawyer Rustam Valiullin to challenge the rulings of local courts that 16 books and brochures (including Koranic commentaries, studies of Islamic law and doctrine, and a life of the Islamic Prophet Mohammed) constituted "extremist" material. The claims were communicated to the Russian government in March 2011, and both government and applicant have submitted their observations. The case is pending before the Court as of mid-September 2016.

Application No. 32401/10, "Taganrog LRO and Others vs. Russia" - lodged in June 2010 by Jehovah's Witnesses to challenge the liquidation of their Taganrog community as an "extremist" organisation and a 2009 ban on 34 Jehovah's Witness texts as "extremist" material. By March 2014, Jehovah's Witnesses had submitted a further 21 applications to the European Court based on numerous counter-extremism actions, including raids, prosecutions, and bans on literature. These were appended to the Taganrog case and communicated to the Russian government together in March 2014. Both government and applicants have since submitted their observations. The case is pending before the Court as of mid-September 2016.

North Caucasus

As with the wider religious freedom situation (see Forum 18's general Russia religious freedom survey <http://www.forum18.org/Archive.php?article_id=2246>.), implementation of the 2002 Extremism Law differs markedly in the North Caucasus. Numerous courts there have added materials to the Federal List of Extremist Materials, particularly Islamist insurgent websites. Yet other than Nursi readers in Dagestan, practically no "extremism"-related prosecutions of individuals have occurred.

In the North Caucasus the state's "counter-extremism" strategy is far cruder. In the republics of Chechnya and Dagestan in particular, those dubbed "Wahhabis" [a term used loosely by officials to mean Muslims they dislike] - and sometimes men merely with a devout Muslim appearance - may be detained as "extremists" by the law enforcement agencies. Local residents report that they are frequently tortured, and in some cases disappear, allegations very occasionally confirmed by state officials.

The state's crude response to violent Islamist attacks serves only to fuel local support for the Islamists, resulting in a climate of fear in which freedom of religion and belief is severely limited.

Conclusions

The Extremism Law and the associated articles of the Administrative and Criminal Codes provide a multiplicity of interlinked mechanisms which law enforcement bodies use to curb the freedom of certain religious organisations and individuals to express their beliefs, creating a feedback loop of restrictions and punishments. While these mechanisms are ostensibly aimed at preventing racial and religious hatred, they are frequently employed against those who do not practise or advocate the violation of human rights.

Since 2014 there has been a significant rise in prosecutions of individuals (many of whom are pensioners) for alleged "production or mass distribution of extremist materials" (Administrative Code Article 20.29), and a significant increase in law enforcement attention towards Jehovah's Witness communities, several of which have been dissolved as "extremist" organisations. Criminal investigations and prosecutions (principally of Muslims who read Said Nursi's works) can be distressing for suspects and defendants, often involving armed raids on homes and places of worship, pre-trial detention, and drawn-out, expensive court proceedings. (END)

For more background, see Forum 18's survey of the general state of freedom of religion or belief in Russia at <http://www.forum18.org/Archive.php?article_id=2246>.

Previous Forum 18 Russia religious freedom surveys can be found at <<http://www.forum18.org/Analyses.php?region=10>>.

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis <<http://www.sova-center.ru>>, about the systemic problems of Russian anti-extremism legislation, is at F18News 19 July 2010 <http://www.forum18.org/Archive.php?article_id=1468>.

A personal commentary by Irina Budkina, Editor of the <<http://www.samstar.ucoz.ru>> Old Believer website, about continuing denial of equality to Russia's religious minorities, is at F18News 26 May 2005 <http://www.forum18.org/Archive.php?article_id=570>.

More reports on freedom of thought, conscience and belief in Russia can be found at <<http://www.forum18.org/Archive.php?query=&religion=all&country=10>>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at <http://www.forum18.org/Archive.php?article_id=1351>.

A printer-friendly map of Russia is available at <<http://nationalgeographic.org/education/mapping/outline-map/?map=Russia>>.

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