

**Testimony of John V. Hanford, III
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United States Department of State
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**The Commission on Security and Cooperation in Europe
Chairman, Sam Brownback, U.S.S.**

Thank you, Chairman Smith, distinguished Members of the Helsinki Commission, ladies and gentlemen. I welcome the opportunity to be here today to discuss the problems experienced by unregistered religious groups in Russia. It is my hope that today's hearing will draw attention to the plight of unregistered religious groups in Russia and that by working together we can improve the treatment of these communities throughout the country. Russia has seen disturbing trends in this regard, as it has more generally with democratic development. We take the state of religious freedom in Russia with the utmost seriousness. The United States Government's democracy and human rights strategy in Russia is to promote awareness of and respect for the entire range of human rights, including freedom of religion.

Today, some of the greatest threats both to our national security and to international peace justify their violence in religious terms. Our work, in advocating societies based on respect for human rights, including religious freedom, offers a compelling alternative. Nations that respect religious freedom rarely pose a security threat to their neighbors. Nations that affirm religious liberty also lay a cornerstone of democracy and the rule of law. For these reasons alone, promoting religious freedom is as much in our national interests as it is our national ideal.

Since passage of the International Religious Freedom Act in 1998, we have made important strides in advocating for religious freedom as part of our foreign policy. President Bush has strengthened this commitment, stating in his National Security Strategy that the U.S. Government will "take special efforts to promote freedom of religion and conscience and defend it from encroachment by repressive governments." Secretary Rice recently stated, "(A) part of my responsibility, both to my own country and in helping with others, is to recognize that it is freedom of religious conscience,

freedom of religious conviction that is really the core value of democracy.” She also said that “the right to individual conscience is the key to democracy,” adding that “people will never be truly free if this most personal of decisions is imposed upon them.”

Religious Freedom in Russia Today

My office closely follows religious freedom developments in Russia. We are in touch regularly with religious and human rights groups. Embassy Moscow has two political officers dedicated to promoting human rights and religious freedom. They follow events in this huge country, which spans twelve time zones, with the assistance of the Consulates General in St. Petersburg, Yekaterinburg, and Vladivostok. They investigate reports of incidents and stay in close regular contact with religious groups and human rights advocates. Our Ambassador, Consulates General and our senior officials raise our concerns about the rights of religious minorities with Russian leaders on an ongoing basis.

Russia’s constitution recognizes freedom of religion, and the Russian Government generally respects this right in practice. Unfortunately, however, the 1997 law on Freedom of Conscience and On Religious Associations and its amendments have had the practical effect of restricting religious freedom for a few groups and organizations. The law imposes restrictive registration requirements that prevent new and minority faith groups from gaining legal status. Nearly one thousand faith groups were unable to meet the registration requirements and were dissolved and prohibited from conducting any activities. This registration requirement for religious organizations also exists in many neighboring Eurasian countries.

In Russia, people are free to belong to the state-favored organizations, which include Russian Orthodox Christianity under the auspices of the Moscow Patriarch, Judaism, Islam, and Buddhism. These religions were mentioned in the 1997 law on religion as constituting part of Russia’s “historical heritage.” Although the majority of Russians feel free to worship, many religious minorities have encountered restrictions and harassment, including some of those that are registered. We have received reports of difficulties experienced by (or privileges denied to) Old Believers, members of the Autocephalous Orthodox Church, Roman Catholics, unregistered Baptists, Pentecostals, Jehovah’s Witnesses, and Muslim mosques that cannot get approval from one of the two sanctioning Councils

of Muftis. You will hear today from representatives of some of these groups, who will confirm their difficulties.

Many in this room represent groups and organizations with whom I worked when I served on the staff of Senator Lugar. In 1997, Senator Lugar led an effort in both houses of Congress to dissuade the Russian Government from passing the 1997 law on Freedom of Conscience and On Religious Associations. Mr. Chairman, I remember that you were prominently involved in that effort, as was the leadership in both the Senate and the House and on both the Republican and Democrat sides of the aisle. In all, 169 Senators and Members of Congress joined in this appeal to President Yeltsin to veto the 1997 law. Initially, Yeltsin did, in fact, veto the law, but later he settled for a compromise that was really no compromise at all – and that is why we find ourselves where we do today.

The 1997 law noted the “special contribution of Orthodoxy to the history of Russia and to the establishment and development of Russia's spirituality and culture.” As Secretary Rice noted, “In the United States, we separate church and state. But not every democracy separates church and state. ... (T)he real key is that people have to be able to choose this most personal of commitments. They have to be able to choose to worship in any way that they wish.” I regret to say that in Russia today the statutory registration requirements have been used in some cases to restrict religious freedom.

Some Positive Developments

The portrait of religious freedom in Russia today would not be balanced, however, if we did not mention some positive developments. Despite the increase in difficulties for some minority religious groups over the past four years, federal authorities have sometimes reprimanded discriminatory actions by local officials. Federal officials have provided information to regional officials, including a publication on the rights of foreign religious workers, which has been used to instruct local officials unfamiliar with federal law. To its credit, the Government of Russia maintains a human rights ombudsman office, albeit a weak one, which has a division devoted to religious freedom complaints. Like his predecessor, the current Ombudsman, Vladimir Lukin, has criticized the law on religion, recommending changes to bring the law into line with Russia's Constitution.

The Presidential Administration continues to work towards consistent and strict application of federal laws. At the same time, minority religious groups sometimes benefit from a less-strict implementation of the federal law on religion. For example, some representative offices of foreign religious organizations have opened and not formally registered with state authorities. Others have affiliated with an existing registered organization. None of these foreign offices, however, were allowed to conduct religious activities and, even if affiliated with an already registered organization, they do not have the same status as a religious organization.

Let me take this opportunity to cite two specific instances of recent positive developments concerning religious groups on whose behalf we have advocated. Although previously the Russian Federal Security Service harassed the Family of God Pentecostal Community, that harassment ended last year and the group was allowed to re-register. In addition, we note the Vanino Baptist Church in Khabarovsk was allowed to re-register last summer. Dan Pollard, the church's pastor, who has been trying to return to Russia since he was banned in 1999, was recently told by the Russian Consulate in Seattle that his name was removed from the blacklist. We will watch with interest and concern as these developments continue to unfold.

Groups that Have Been Subject to Harassment, Abuse or Violence

As you well know, Mr. Chairman, minority religious communities in Russia face many challenges and problems. Since I have been asked to speak today specifically about the problems faced by un-registered groups in Russia, I will confine my comments to those groups.

Let me now turn to the problems faced by several minority religions in Russia that have both experienced registration difficulties and have also been subject to violence, abuse or harassment. Prominent among these groups are the unregistered Baptists, the Old Believers, Pentecostals, and certain independent Muslim groups. Many of the members of these groups experience fear and intimidation in their local communities.

Much of the ill-treatment experienced by minority religious groups stems from the actions of regional and local government officials. At the same time, some minority religious groups and human rights advocates point to the atmosphere created by actions of the federal Prosecutor General's office, which has encouraged local officials and organizations to take legal

actions against some minority religions and to publish and distribute materials that are patently biased against some minority religious groups, such as Jehovah's Witnesses, Mormons, and others. The FSB has pressured landlords to break contracts, has pressured the tax services to investigate religious groups for evidence of criminal activity, and reportedly has influenced the Ministry of Justice to deny registration or re-registration to some groups.

When violence does occur against minority religious groups, sometimes local officials fail to arrest those responsible, dismissing the attacks as "hooliganism." Convictions for vandalism or attacks against minority religious groups are exceedingly rare. The climate of prejudice against minority religious groups often is spurred by statements by religious leaders of traditional faiths. For example, a number of anti-sect conferences have been held around the country at which representatives of the Russian Orthodox Church have suggested banning different minority faiths. One leader of another traditional faith suggested that the Government define which religious organizations are sects and then adopt a law to prohibit sect activities.

Let me now turn to several of the groups that have faced violence and harassment.

Unregistered Baptists: During the past two years, several unregistered Baptist groups have experienced varying degrees of intimidation and violence. In most instances, unregistered Baptists are those that are opposed on principle to registering or cooperating with the Russian Government, and they fear that contacts with representatives of the U.S. Government could further complicate their situation. The unregistered Baptists are sometimes called the "separated Baptists," which stems from their split from the Union of Evangelical Christians-Baptists in Russia in 1961.

There have been an estimated 10 arson attacks on unregistered Baptist churches in the past two years. In September of last year an unregistered Baptist church was burned down in Lyubuchany in what was ruled an arson. No one has been arrested, though eye-witnesses saw law enforcement officials in the area just before the fire. The arson followed an incident in which about 80 local law enforcement and FSB officers with police dogs tried to intimidate several thousand Baptists convening from across Central

Russia for their annual assembly. Local officials tried to interfere in the rebuilding of a new church by filing suit to block the rebuilding, but a February court hearing was cancelled, and the building is nearing completion.

Embassy Moscow has raised our concerns about the arson attack with the Russian Government. The Embassy emphasized that while it was true that the unregistered Baptists had not provided authorities with advance notice of their meeting, as required by law, this can in no way be an excuse for abuse or arson. We continue to urge the Russian Government that the perpetrators be brought to justice and that adequate protection be provided so that unregistered Baptist churches are not attacked. Mr. Chairman, I want to thank you and your colleagues for the letter that you wrote to Mr. Chibeskov, the Acting Head of Administration of Chekhov Oblast, who oversees the area in which the destroyed church is located. Your raising this issue with Russian authorities serves to focus attention on the group and may provide them some additional protection.

Old Believers: Old Believers are Orthodox Christians who did not join the Russian Orthodox Church in cooperating or officially registering with the Soviet regime. In general, they do not experience direct harassment or repression by the Russian Government. Two leaders of the largest branch of the Old Believers have told our embassy that registration has not been a problem for them. Nevertheless, due to the consequences of their separation from the Moscow Patriarchate, they face difficulties in property restitution from churches seized during the Soviet era. While requests for restitution have sometimes been granted, local officials are usually slow to respond to these requests. There are currently two active church restitution cases underway in Samara and St. Petersburg. In the Samara case, there have been positive developments. Post reports that the Russian Orthodox Church bishop for Samara said he was not opposed to return of the church to the Old Believers. As a result, the Old Believers are cautiously optimistic that this case will be resolved.

Embassy Moscow reports that representatives from the largest branch of Old Believers in Samara indicated that churches in their branch are not having difficulties with registration. They said they were told their historic church will be returned to them.

Pentecostals: Some Pentecostal communities also have refused to register out of philosophical convictions. Others have been offered and refused the opportunity to join other registered central organizations, such as Protestant unions, which would entitle the Pentecostals to register without waiting for 15 years. Pentecostals have experienced arson against their churches as well, with no actions taken by law enforcement. Fires were set against Pentecostal churches or prayer centers last year in Moscow Oblast, Chekhov, Balashikha, Tula, Pipetsk, and Nizhniy Tagil.

African-born Pentecostals in Moscow have suffered both as victims of religious and racial prejudice. In 2001 one African pastor was beaten, and his church burned. The congregation continued to meet in private apartments for worship, but the members were forced to disband in 2003 as the violence and threats continued. Other African non-Orthodox congregations have also experienced vandalism, threats and violence based on the double prejudice against race and religion.

Independent Muslims: Many local Muslim groups were unable to register as local organizations when the 1997 religious registration law went into effect. Many groups found the paperwork involved to be beyond their resources, and not worth the extra effort, since they were already meeting in a regular place of worship. An official spokesperson for the two Councils of Muftis claimed that all Muslim groups that sought to register as local organizations were able to do so. Some 3,537 Muslim organizations were registered with the Ministry of Justice as of mid-last year. New statistics are not yet available, but we note that at least 121 of these registrations took place in 2003 and 2004. The spokesperson asserted that registration was not needed for religious activity per se, so many regional Muslim organizations continue to operate without registration.

We have reports of Muslims in some regions protesting the frequency with which they have been stopped and asked for identity papers. Government officials express concern about extremist groups such as Hizb-ut-Tahrir and groups of foreign Muslims in the North Caucasus that may be potential terrorists. The security service (FSB) has continued to treat the leadership of some minority religions, and in particular some Muslims, as security threats, conducting campaigns of harassment against them.

Groups Experiencing Political Interference and Court Challenges

Now I would like to turn my attention briefly to several religious organizations and groups that have experienced political interference and adverse rulings by local courts. While the Russian legal system has made strides since Soviet times, further progress is needed in achieving judicial independence. I will briefly review the problems faced by the Jehovah's Witnesses, the Salvation Army, the Church of Scientology and the Mormons.

Jehovah's Witnesses: In June 2004, a Moscow district court banned all organized activity of the city's 10,000 Jehovah's Witnesses on the grounds that they posed a threat to society. Reports indicate that this local ban has inflamed passions against the approximately 133,000 Jehovah's Witnesses throughout Russia. The Jehovah's Witnesses have appealed the ban with the European Court of Human Rights, and proceedings are underway.

The Jehovah's Witnesses have faced difficulties in other Russian communities as well. Reports indicate that they have confronted obstacles when attempting to rent buildings, have had contracts voided, and have faced other attempts to disrupt and/or liquidate them. Jehovah's Witnesses report that anti-cult organizations and the Russian Orthodox Church are attempting to initiate legal action to close the Jehovah's Witnesses Administrative Center in St. Petersburg. In addition, the Federal Security Services (FSB), the Prosecutor General, and other official agencies have campaigned against the Jehovah's Witnesses. The Prosecutor General's office provided legal guidance to local Ministries of Justice on how to bring a case against them.

The Jehovah's Witnesses have also been the subject of harsh criticism. The Russian press and some Russian textbooks refer to the Jehovah's Witnesses as a "sect," and in one unfortunate comparison, the Governor of Stavropol Kray, which has been attacked by Chechen separatists, compared Jehovah's Witnesses to Wahhabis.

The Salvation Army: The Salvation Army is currently fighting a legal battle in Russian courts to defend its right to exist. Local authorities used the registration requirement of the 1997 law on religion to bring the Moscow branch of the Salvation Army before the Taganskiy District Court of Moscow in 2001. That court ruled to liquidate the organization, and the Moscow City Court upheld the decision. In February 2002, the case went

before the Constitutional Court, which ruled that the Moscow City Court should not have liquidated the local branch because the organization had made many good faith efforts to re-register.

In April 2003, the Constitutional Court found unconstitutional a ruling of a Moscow district court that had ordered the liquidation of the Salvation Army's organization in Moscow on the grounds that it was a "militarized" organization. Local officials, however, have not complied with the Constitutional Court decision.

With the assistance of a lawyer from the Slavic Center for Law and Justice, the Salvation Army continues to try to re-register in Moscow Oblast, while it operates under its old registration. The organization is working through the European Court for Human Rights (ECHR), which ruled last year that the Salvation Army's complaint was admissible on the grounds that it had not been allowed to re-register.

There has not yet been a hearing on the merits in the case before the ECHR. The Salvation Army offered the Government terms for an amicable settlement in the ECHR case, and the Government has not yet responded. Despite the favorable court rulings, Moscow authorities have not permitted the Salvation Army to re-register, although the group continues to operate based on documents filed under an earlier statute.

The Church of Scientology: The Church of Scientology is another church defending its right to exist in the court system. The Moscow authorities refused to register the local organization and used the 1997 law in an attempt to liquidate the Scientologists. In a series of court cases over the past eight years, there have been a number of findings in favor of the church. In each of these favorable rulings, however, the Procuracy has appealed the decision, usually successfully. These successful appeals led the Scientologists, in the fall of 2004, to file suit in the ECHR against the Moscow liquidation order. The ECHR agreed the appeal was admissible and agreed to consider the case on its merits.

In St. Petersburg, the Scientologists have been denied registration and threatened with liquidation. Authorities have interfered with Scientology centers in a number of localities. The Supreme Court ruled that a liquidation case against the Khabarovsk center be re-tried. In Bashkortostan in March of 2003, the Supreme Court banned the local center, but the center remains

open pending appeals to the Supreme Court and the ECHR. The ECHR ruled last year that the case was admissible. In total, three Scientology cases are now before the ECHR.

The Church of Latter-day Saints (Mormons): The Mormons have experienced mixed results in their registration attempts. To date they have successfully used the court system to register approximately 50 local religious organizations. In one case in September 2003, the church was finally registered in Chelyabinsk despite being turned down 12 times previously by the Department of Justice over five years. However, since 1998, the Church of Latter-day Saints has not been able to register in Kazan, Tartarstan.

Conclusion

Mr. Chairman, let me conclude by thanking you again for holding this important hearing. Your activism and advocacy on issues of religious freedom and human rights over the years have been very impressive, and all of us who labor on religious freedom issues are indebted to you for your leadership.

We welcome your suggestions to work together to improve the treatment of minority religious groups throughout Russia. We would be happy to work with the Helsinki Commission to establish communication with the appropriate Russian parliamentary committees to encourage dialogue to address our religious freedom concerns.

As Secretary Rice has pledged, we will continue to talk about religious freedom with other countries, not because we “believe we should use religion as a weapon” against others, but “because it is very often a basis for compassion and decency in a society; it is essential to the proper functioning of democracy.” In Russia today, we see restrictions on religious freedom, and this directly relates to the lack of a properly functioning democracy.

Mr. Chairman, thank you again for highlighting the situation of minority religious groups in Russia by holding these hearings. I will be happy to take your questions.

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