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RUSSIA: Jehovah's Witness lawyers deported for defending extremism cases?

By Geraldine Fagan, Forum 18 (<https://www.forum18.org>)

Four lawyers defending Jehovah's Witnesses have been deported since March, Forum 18 News Service has learned. The deportations of the two American and two Canadian lawyers seriously hinder the Witnesses' attempts to defend themselves in seven local court cases seeking to ban their literature as extremist. Also, a recent police detention allegedly involving torture and a raid on a Sunday service – after which one worshipper had a miscarriage and another was sent to a children's shelter – suggest the law enforcement agencies continue to view Jehovah's Witnesses as religious extremists even without a ban. A leaflet by a traditional Mari-El pagan priest is among the latest additions to the Federal List of Extremist Materials, meaning it is banned throughout Russia. The priest, Vitali Tanakov, has told Forum 18 that he thinks the strongly ecological nature of the Mari religious worldview makes it a threat to those who wish to exploit the republic's timber resources. Recently interviewed in Yoshkar-Ola, capital of Mari El, he suggested that whereas many strive to become rich and happy through business, the Mari faith teaches that "you won't become happy by becoming a businessman, by felling the forests."

The deportations of four lawyers since March strike at the Jehovah's Witnesses' already pressed defence against attempts to ban their literature as extremist, one of those deported, Mario Moreno, has told Forum 18 News Service. The lawyers – two Americans and two Canadians – were defending in four out of seven simultaneous local extremism cases against Jehovah's Witnesses. A recent police detention allegedly involving torture and a raid on a Sunday service – after which one worshipper had a miscarriage and another was sent to a children's shelter – suggest the law enforcement agencies continue to view Jehovah's Witnesses as religious extremists even without a ban.

In Russia, religious and other extremism charges are increasingly used to criminalise dissent in the Soviet manner (see F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288). As a local television news report of the raid concluded, "The thing is that the Jehovahists [a Soviet-era term for Jehovah's Witnesses] recognise only their own faith as the truth and try to preach this given any opportunity, thus offending the sensitivities of representatives of other confessions."

Total ban

The Jehovah's Witnesses believe the latest moves to be part of a new harassment campaign against them. "As events develop, it becomes more and more apparent that their [the law enforcement agencies'] ultimate aim is (...) to achieve a total ban on the activity of this religion by finding a pretext for a criminal prosecution," a special April report by the organisation maintains. In February, an unprecedented nationwide sweep on Jehovah's Witness communities - resulting in at least 500 check-ups - was ordered by the General Public Prosecutor's Office (see F18News 13 March 2009 http://www.forum18.org/Archive.php?article_id=1267).

Russia's Human Rights Ombudsman has written to General Public Prosecutor Yuri Chaika criticising his Office's instructions as forming "a deliberately negative attitude towards the religious organisation of Jehovah's Witnesses" and encouraging inspectors "to go on a deliberate hunt aimed at finding grounds to repress or ban their activity." Jehovah's Witnesses operate lawfully in Russia, adds Vladimir Lukin in his 16 April letter.

Forum 18 submitted questions in writing to the General Public Prosecutor's Office before the start of the working day of 17 July, requesting its response to Ombudsman Lukin's 16 April letter. There was no reply by the end of the working day on 22 July.

Deportations

Due to continue his defence of local Jehovah's Witnesses in a religious extremism case in Krasnodar, US citizen Mario Moreno was recently turned back from St Petersburg airport, he told Forum 18 from New York on 15 July: "Because of my appearance in court is all that I can think of – they never tell you why." Originally valid until March 2010 and viewed by Forum 18, his multi-entry Russian business visa was stamped "annulled" by a Leningrad [St Petersburg] regional border guard on 30 June.

James Andrik, Moreno's colleague at the Office of General Counsel for Jehovah's Witnesses and also a US citizen, was issued a

deportation order by Salsk Municipal Court (Rostov-on-Don Region) on 14 May, seen by Forum 18. He was arrested as he entered the same courthouse on 7 May, when he was due to present local Jehovah's Witnesses' defence in an ongoing religious extremism case, Moreno told Forum 18. Instead, Andrik was charged with practising law without being licensed locally and being illegally employed by the Jehovah's Witnesses' St Petersburg headquarters. As he left Russia before his deportation was ordered, no deportation stamp was placed in his passport.

A 10 June ruling by Rostov-on-Don Regional Court, viewed by Forum 18, reversed Andrik's deportation order. It agreed that – like the other deportees – he had appeared in the Salsk case not as a lawyer, but as an appointed representative pursuant to a power of attorney, and an unpaid volunteer. Armed with a copy of this decision, Andrik attempted to return to Russia on 2 July, but was detained for 24 hours at Moscow's Domodedovo Airport before being turned back to Brussels, Moreno told Forum 18: "He was never given any official reason."

An "Act of Return" bearing a 3 July Domodedovo border control stamp, seen by Forum 18, states that Andrik "does not have grounds to enter the Russian Federation" under Article 27 of the 1996 federal law on entry to and exit from Russia. With respect to those already holding a Russian visa, this provision bars foreign citizens who pose a threat to state security, were recently deported from or committed a serious crime in Russia from entering the country.

Moreno and Andrik's two Canadian colleagues, John Burns and Shane Brady, were deported on 5 April by decisions of Kirov District Court in Vladikavkaz (North Ossetia Republic). Burns had been defending in a religious extremism case against local Jehovah's Witnesses, which Brady was observing after defending in an analogous case in Samara, Moreno told Forum 18. On their way to Vladikavkaz airport on 4 April, the two were arrested by police, FSB security service and immigration officials as soon as they stopped to use the bathroom at the house of relatives of a friend who lives less than 100 metres from the main road, he continued. The pair were charged with entering an area out of bounds to foreign citizens – as the 5 May Republic Supreme Court rulings upholding the original deportation orders, seen by Forum 18, note. The lawyers were permitted to leave Russia unescorted.

Burns and Brady dispute the charges. According to Moreno, they argue that the Russian authorities did not inform the Canadian Embassy about the restricted area, that they were not given an opportunity to defend their actions ("Burns didn't even get a chance to open his mouth"), and that the punishment of deportation was out of proportion with the alleged offence.

Raid

Other forms of state pressure on Jehovah's Witnesses continue. Police and FSB in the small asbestos-mining town of Asbest (Sverdlovsk Region) raided the local Jehovah's Witness Sunday service on 24 May, the group's local spokesperson Sergei Tantsura told Forum 18 from the regional centre, Yekaterinburg, on 14 July. Disrupting worship at a rented hairdresser's premises, the state representatives maintained they were responding to a neighbour's complaint but were unable to provide further details, he said. Querying whether the Jehovah's Witnesses had state permission to hold the service – not a legal requirement – they then copied passport details from most of the approximately 50 worshippers present. Tantsura believes this was the real aim of the raid, as the Asbest Jehovah's Witnesses had repeatedly refused to provide membership details to state investigators working on a religious extremism case against them (see F18News 14 July 2008 http://www.forum18.org/Archive.php?article_id=1159).

The raid had serious consequences. According to Tantsura, one worshipper, 37-year-old Aleksandra Mastuygina, suffered a miscarriage after police threatened her and others who protested their actions with referral to a detoxification unit, and an investigator summoned her for questioning on 31 May. Police sent another worshipper, 15-year-old Mikhail Zhilko, to a children's shelter for three weeks against his will, as his parents – also Jehovah's Witnesses – were not in Asbest at the time of the raid, local lawyer Egiazar Chernikov told Forum 18 from Yekaterinburg on 14 July.

The acting chief of Asbest Police Department, Roman Bunkov told Forum 18 on 21 July that police checked the service at the hairdresser's due to complaints from neighbours that it was not in an appropriate place: "There was nothing terrible about it." Asked what part of Russian law states that religious gatherings must take place in premises designated for worship, Bunkov pointed out that the hairdresser's is a place providing a domestic service to the public. "People go there to have their hair cut, not to pray to their gods, to put it plainly," he remarked. While acknowledging that no prosecution had taken place, he told Forum 18 that the police had instructed the hairdresser to allow only domestic services, and not "religion", at the premises. Asked whether the Jehovah's Witnesses could meet at other premises in Asbest – which, at the time of Forum 18's 2004 visit, did not have a single cafe or hotel – Bunkov maintained that the Jehovah's Witnesses would be found premises if they appealed to the municipal administration.

Bunkov told Forum 18 he could not comment on Aleksandra Mastuygina's miscarriage due to alleged threats as he knew nothing about it; his department had not received any complaints. He confirmed that a 15-year-old boy was sent to a children's shelter as his parents were living in another town and no one was formally responsible for him: "It's not clear how he ended up there [at the worship service]." Bunkov also expressed mild suspicion that Forum 18 might have called at the Jehovah's Witnesses request: "They have some kind of connection with Holland, Norway – that's where their money comes from."

The local Asbest Television station filmed the raid. In its 28 May news item, local police officer Eduard Latypov states that the police discovered the Jehovah's Witnesses "did not have documentation permitting the gathering". According to the news report's

authors, police carried out the raid "after a phone call from vigilant citizens" and took several Jehovah's Witnesses for questioning, but "as if hypnotised, they kept repeating the same thing, demanding a lawyer." The broadcast shows one, Viktoria Golovka, being asked by an off-camera investigator, "You have said you are a Jehovah's Witness. Excuse me, but is this a sect, or what?" Golovka replies that she will respond to such questions only in the presence of a lawyer. Reminding viewers that the FSB seized literature deemed extremist from the Asbest group in 2008, the broadcast explains in conclusion that Jehovah's Witnesses "only recognise their own faith as the truth and try to preach this given any opportunity, thus offending the sensitivities of representatives of other confessions."

Torture

The Jehovah's Witnesses also maintain that their member Yuri Panov was detained by police for several hours on 23 April after preaching from house to house in the town of Ramon (Voronezh Region). Accused of committing burglaries in the neighbourhood, Panov denied the charges and was reportedly handcuffed, beaten, forced to wear a gasmask with no oxygen supply and threatened with electric shocks and sexual assault. Intimidated into confessing to the crimes, the police then "abruptly ended the torture and stated that they had made a mistake," the Jehovah's Witnesses state.

After asking for full details about the incident and checking police files, a spokesperson at Ramon District Police Department insisted to Forum 18 on 22 July that it had no information about Panov.

Muslims accused of religious extremism in Tatarstan have also complained of torture to Forum 18, including similar treatment with a gasmask (see F18News 8 July 2009 http://www.forum18.org/Archive.php?article_id=1323).

New religious extremism cases

Seven local courts are now seeking to ban Jehovah's Witness literature as extremist, in Gorno-Altai (Altai Republic), Krasnodar, Rostov-on-Don, Salsk, Samara, Vladikavkaz and Yekaterinburg. In the two newest cases, Krasnodar and Samara, hearings began in April. An eighth case sought to dissolve the Tolyatti (Samara Region) local Jehovah's Witness religious organisation for promoting conscientious objection and breaking up families, rather than religious extremism, according to 27 February and 2 April suits issued by Samara Regional Public Prosecutor's Office. While Samara Regional Court ruled in favour of the Tolyatti Jehovah's Witnesses on 29 May, an appeal is pending.

Nor has there been a final ruling in the other seven cases. Since the first to be opened was transferred from Asbest to Yekaterinburg Public Prosecutor's Office investigators some four months ago, "the situation has been more favourable", Egiazar Chernikov, the local lawyer, told Forum 18. A new, 13 May expert literary analysis found no evidence of extremism, he pointed out, while Sverdlovsk [Yekaterinburg] Regional Court on 4 June upheld a 19 March district court ruling that Asbest Public Prosecutor's Office's original May 2008 religious extremism warnings were unfounded. The criminal case has not been formally closed, however.

Under the 2002 Extremism Law, even a low-level court may rule literature extremist. It is then automatically added to the Federal List of Extremist Materials and banned throughout Russia. The List's 401 titles as of 23 July typically suggest extreme nationalist or antisemitic content. Most theological entries - the inclusion of which is also disputed - are Islamic (see most recently F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

Pagan extremism?

Another is now on the Federal List. On 28 April the Supreme Court of the Volga republic of Mari-El upheld an earlier city court ruling that Vitali Tanakov's Russian-language leaflet "Onaen Oila" ("A Priest Speaks") contains religious and other extremism. If Russia's Supreme Court agrees, Tanakov told Forum 18 in Yoshkar-Ola on 20 June, he will appeal to the European Court of Human Rights (ECtHR): "There is nowhere else to turn."

Tanakov is a kart, or pagan priest, of the Mari traditional faith. Unlike in Western Europe, Mari paganism is a long-standing tradition rather than a New Age construction, and, with Orthodoxy and Islam, even holds the status of traditional religion in Mari-El. Tanakov believes that the strongly ecological nature of the Mari religious worldview makes it a threat to those who wish to exploit the republic's timber resources. "We are the only people who maintain nature reserves in each village," he explained to Forum 18, referring to Maris' sacred groves. Whereas many people strive to become rich and happy through business, he said, "We give the understanding that this is the wrong way, you won't become happy by becoming a businessman, by felling the forests."

Tanakov earlier sent an appeal to the ECtHR regarding a December 2006 ruling against him personally, according to which he was forced to work 120 hours as an electrician in a local school. He has yet to receive a response (see F18News 29 May 2008 http://www.forum18.org/Archive.php?article_id=1136).

Salvation Army complaint finally settled

More than two years after the ECtHR granted its appeal, the Moscow branch of the Salvation Army was finally re-registered by the

city's Justice Department on 10 April 2009, according to the Moscow-based Slavic Centre for Law and Justice. The branch was originally refused re-registration almost ten years ago. After the branch's case was repeatedly rejected in Russian courts – one cited a constitutional ban on the creation of paramilitary formations – it was taken up by the ECtHR in June 2004. The Russian state did pay compensation of 10,000 Euros (then worth 338,141 Russian Roubles, 84,192 Norwegian Kroner or 12,557 US Dollars) promptly in early 2007, but did not take steps to remedy the original complaint, as the ECtHR requires, until this year. The Salvation Army's ECtHR case is the only one in which a religious organisation has been awarded compensation and where a clear remedy was also possible (see F18News 1 August 2007 http://www.forum18.org/Archive.php?article_id=1001). (END)

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

For more background, see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1196.

Analysis of the background to Russian policy on "religious extremism" is available in two articles: 'How the battle with "religious extremism" began' (F18News 27 April 2009 http://www.forum18.org/Archive.php?article_id=1287) and 'The battle with "religious extremism" - a return to past methods?' (F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

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://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=russi>.

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