

21 March 2017

RUSSIA: Jehovah's Witness activity largely halted

By Victoria Arnold, Forum 18

Russia has summarily suspended most Jehovah's Witness activities. UN Special Rapporteur Maina Kiai told Forum 18: "The Russian government is claiming that the Jehovah's Witnesses are an extremist group, but in fact it's their move to ban them outright that appears to be extreme."

As Jehovah's Witnesses await a Supreme Court ruling on whether to ban them across Russia and seize all their property, the Justice Ministry has summarily suspended most of their activities, including public meetings and financial transactions.

With immediate effect, a 15 March Suspension Order forbids the Administrative Centre and all its local religious organisations from "using state and municipal news media, organising and conducting assemblies, rallies, demonstrations, processions, picketing, and other mass actions or public events, and using bank deposits, with the exception of use for making payments connected with their economic activity, compensating for losses (damages) caused by their actions, and paying taxes, fees, or fines, and making payments based on labour contracts" (see below).

The Justice Ministry has not officially published the Order, but a mayor has posted a copy on his Facebook page, and it has been widely reproduced by other media (see below).

The Justice Ministry claimed to Forum 18 that its 15 March Suspension Order does not ban meetings for worship, "except in cases of a mass or public nature". It remains unclear, however, how local officials will interpret the Order. On 16 March Penza Region's Justice Ministry branch suspended the activities of the four local Jehovah's Witness organisations in its jurisdiction, and on 20 March a similar order was issued by the Justice Ministry of the Karachai-Cherkessiya Republic (see below).

Jehovah's Witnesses and others, such as readers of the works of Muslim theologian Said Nursi, are routinely prosecuted for possession of single copies of banned "extremist" texts – even though the law only allows prosecution for "mass distribution" (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

The first hearing of the Justice Ministry's suit to liquidate the Jehovah's Witness Administrative Centre as an "extremist" organisation is due to take place on 5 April at 10am Moscow time. A Supreme Court secretary told Forum 18 on 20 March that it is still undecided whether the hearing before Judge Nikolai Romanenkov will be held in open or closed court.

The Justice Ministry is also currently preparing an order to have the Administrative Centre added to its list of public and religious organisations whose activity has been suspended on grounds of extremism, the Ministry's Press Service told Forum 18 on 21 March (see below).

"Not a legitimate basis for a ban"

Maina Kiai, the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, criticised the proposed ban. "The Russian government is claiming that the Jehovah's Witnesses are an extremist group, but in fact it's their move to ban them outright that appears to be extreme," he commented to Forum 18 on 20 March.

"The right to freedom of association includes the right to association for religious purposes, and under international law this right can only be restricted in very narrowly-defined circumstances," Kiai added. "The fact that people belonging to a majority religion may disagree with a minority group's beliefs or activities – or even be offended by them – is not a legitimate basis for a ban, so long as that group's activities are peaceful. "

Vasily Kalin, chairman of the St Petersburg-based Administrative Centre, described the liquidation attempt in a press release on 21 March as "absurdity and savagery", and observed that "the most disturbing time of their lives is coming" for Jehovah's Witnesses.

Kalin noted the likelihood that individuals would face criminal prosecution if they continue to meet for prayer or Bible study after liquidation: "For what? What are these people guilty of? That they study the Bible in the 'wrong' way, as it seems to some? That they

consider theirs to be the only true faith? Or are they guilty of not resorting to violence, following the gospel commandment 'put the sword back into the sheath'?"

Suit reaches Supreme Court

The Justice Ministry submitted its suit to have the Administrative Centre dissolved as "extremist" on 15 March (see F18News 15 March 2017 http://www.forum18.org/archive.php?article_id=2264).

The lengthy suit had four requests to the Supreme Court at the end: to declare the Administrative Centre "extremist" and ban its activity; to liquidate the Administrative Centre and local Jehovah's Witness communities and remove them from the Federal Tax Service Register of Legal Entities; after creditors have been paid, to hand the property of the Administrative Centre and local communities to the government; and to specify the immediate implementation of the Supreme Court ruling.

Shortly before it lodged the suit, the Ministry had completed an exhaustive inspection of the Centre's activities, properties, finances, and subdivisions, and concluded that Jehovah's Witnesses and their communities had violated the terms of a one-year "extremism" warning issued by the General Prosecutor's Office in March 2016 (see below).

Jehovah's Witnesses challenge suit

The Supreme Court registered the liquidation suit before the Administrative Centre was aware of it. On 16 March, Jehovah's Witnesses requested that the Supreme Court defer the suit on the grounds that, legally, the Justice Ministry should have informed the Administrative Centre (as the respondent) before submitting any documents.

Forum 18 wrote to Dmitry Peskov, press secretary to President Vladimir Putin, on 20 March, asking whether the presidential administration had approved the Justice Ministry's liquidation suit against the Jehovah's Witnesses and when it had learned the suit was in preparation. Forum 18 received no response by the end of the Moscow working day of 21 March.

Suspension of activities

Deputy Justice Minister Sergei Gerasimov ordered the suspension of the Administrative Centre's activities on 15 March, the same day his Ministry lodged the liquidation suit at the Supreme Court.

With immediate effect, the Order forbids the Administrative Centre and all its local religious organisations from "using state and municipal news media, organising and conducting assemblies, rallies, demonstrations, processions, picketing, and other mass actions or public events, and using bank deposits, with the exception of use for making payments connected with their economic activity, compensating for losses (damages) caused by their actions, and paying taxes, fees, or fines, and making payments based on labour contracts".

These measures will remain in force until the conclusion of the Supreme Court proceedings.

Minister Gerasimov instructs that the Order should be sent on to regional Justice Ministry branches, as well as to local administrations, banking authorities, and the Administrative Centre itself.

The Justice Ministry has not officially published the Order. Aleksei Koshayev, mayor of Dmitrovgrad in Ulyanovsk Region, posted a copy on his Facebook page on 17 March. It was widely reproduced by other media.

Galina Filatova of the Justice Ministry's Department for Religious Organisations (which prepared both the liquidation suit and the suspension of activities Order) told Forum 18 on 20 March: "We are not obliged to publish such orders". Asked why an Order that touches on the rights of many citizens of the Russian Federation does not have to be made public, she responded: "Maybe it's strange".

Are meetings for worship still allowed?

The Order does not mention whether Jehovah's Witnesses will continue to be able to meet for worship, either in their Kingdom Halls or in members' homes. In response to Forum 18's written enquiry of 21 March, however, the Justice Ministry's Press Service states that "This list [of banned activities] does not contain a prohibition or restriction on the performance of worship activities, except in cases of a mass or public nature". How local officials might interpret the order in relation to meetings for worship remains unclear.

The Justice Ministry's Press Service told Forum 18 on 20 March that copies of the liquidation suit and the Order suspending the Administrative Centre's activities were sent to the Administrative Centre on 15 March (it did not specify how). Filatova, however, said that the documents were sent through the state-run postal service.

The Press Service also explained that the Administrative Centre will be added to the Justice Ministry's list of public and religious

organisations whose activity has been suspended on grounds of extremism. At present, this list, which is available on the Justice Ministry's website, only has one entry. This is the Birobidzhan Jehovah's Witness community, whose activity was suspended on 5 September 2016 while a liquidation suit against it was considered in court. The liquidation was approved on 3 October 2016, and upheld by the Supreme Court on 9 February 2017 (see F18News 15 February 2017 http://www.forum18.org/archive.php?article_id=2256).

Regional orders

On 16 March, Penza Region's Justice Ministry branch published a corresponding order on its website, suspending the activities of the four local Jehovah's Witness organisations in its jurisdiction. This was followed on 20 March by a similar order from the Justice Ministry of the Karachai-Cherkessiya Republic.

Forum 18 telephoned the Penza Justice Ministry on 20 March to request further details of the order. Asked whether it banned meeting for worship and whether access to religious buildings was still possible, Olga Medvedeva, head of the department for non-commercial organisations, replied only that "You can read it all in the law", and would not comment further.

"A disaster for rights and freedoms in our country"

If the Supreme Court upholds the Justice Ministry's liquidation suit, this will ban all exercise by any Jehovah's Witness of freedom of religion and belief anywhere in Russia (see F18News 15 March 2017 http://www.forum18.org/archive.php?article_id=2264 and below).

On 2 March 2016, the Administrative Centre received a formal warning from the General Prosecutor's Office of the "inadmissibility of extremist activity". The warning was explicitly predicated on the allegedly "extremist" activities of the local communities and their members throughout Russia, which the Centre oversees and supports (see F18News 24 May 2016 http://www.forum18.org/archive.php?article_id=2181).

The Centre repeatedly attempted to get the warning overturned, but on 16 January 2017, Moscow City Court upheld an earlier ruling by the capital's Tver District Court that the General Prosecutor's Office had acted lawfully. Deputy General Prosecutor Viktor Grin claimed on 27 January that the Administrative Centre's "structural subdivisions" had engaged in "extremist activity" since his 2 March 2016 warning, and specifically mentioned the dissolution of local Jehovah's Witnesses as "extremist organisations" (see F18News 15 February 2017 http://www.forum18.org/archive.php?article_id=2256).

The Justice Ministry conducted an extraordinarily extensive "unplanned inspection" of the Administrative Centre in February. Among topics the inspection team looked at were: what Jehovah's Witnesses believe; their exercise of freedom of religion and belief throughout Russia; allegedly "extremist" texts and websites which had been banned by court rulings; and 73,000 pages of documentation on property, bank accounts, donations, and subsidiary organisations. In their report, seen by Forum 18, the inspection team claimed to have found "violations" and allegedly "inaccurate information" in the materials submitted by the Administrative Centre (see F18News 15 March 2017 http://www.forum18.org/archive.php?article_id=2264).

The Administrative Centre attempted to refute these allegations in a written response to the Justice Ministry on 10 March.

If the government's attempt to liquidate the Administrative Centre is successful, it would be the first time that a court has ruled that a registered national centralised religious organisation is "extremist" and should be banned. This would ban all exercise by Jehovah's Witnesses of freedom of religion and belief anywhere in Russia, and render them liable to criminal prosecution if they continue to meet together for worship or to exercise freedom of religion and belief in other ways (see below).

Jehovah's Witnesses claim nearly 172,000 adherents in Russia, with a peak of nearly 300,000 attending their most important annual commemoration, the Memorial of Christ's Death. There are at present 397 registered local organisations and more than 2,500 unregistered religious groups. Liquidation "would be a disaster for rights and freedoms in our country", Administrative Centre spokesperson Yaroslav Sivulsky said on 15 February (see F18News 15 March 2017 http://www.forum18.org/archive.php?article_id=2264).

Increasing targeting of Jehovah's Witnesses

Courts around Russia have placed numerous Jehovah's Witness texts on the Federal List of Extremist Materials. Many individual Jehovah's Witnesses and communities have been fined and liquidated for possession of these allegedly "extremist" texts, which Jehovah's Witnesses insist are planted by the authorities. A total of 39 warnings and cautions of the "inadmissibility of extremist activity" in 24 regions are known by Forum 18 to have been issued to Jehovah's Witness local religious organisations since late 2007. Although Jehovah's Witnesses frequently challenge these warnings and cautions in court, Forum 18 knows of no instance in which this has been successful. Ten communities have subsequently been ordered to be liquidated (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

The frequency of warnings and liquidations has been increasing. From 2007 to 2012, there were eight warnings and one liquidation, but in 2013 to 2016, there were 31 warnings and nine liquidations ordered, with one liquidation attempted. Raids on Jehovah's Witness premises have been taking place more than three times per month as of late 2016. These raids on doctrinally pacifist religious communities often involve many heavily armed and camouflaged officials, with the "discovery" of apparently planted banned "extremist" literature which can lead to liquidations (see eg. F18News 24 October 2016 http://forum18.org/archive.php?article_id=2228).

The import into Russia of Jehovah's Witness literature, even if it has not been ruled "extremist", is routinely blocked (see eg. F18News 14 December 2015 http://www.forum18.org/archive.php?article_id=2133). Prosecutors in Vyborg are attempting to have the Jehovah's Witness New World Bible banned as "extremist", even though an amendment to the Extremism Law explicitly prohibits the banning of "the Bible, the Koran, the Tanakh and the Kanjur, their contents, and quotations from them" (see F18News 5 May 2016 http://www.forum18.org/archive.php?article_id=2174). Proceedings are currently suspended while additional "expert" analysis is carried out (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Two Jehovah's Witnesses are also on trial in Sergiyev Posad under Criminal Code Article 282, Part 2 ("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") (see F18News 26 January 2017 http://forum18.org/archive.php?article_id=2250). Their next hearing is due on 22 March.

Jehovah's Witnesses are not the only religious community which the government has targeted under the Extremism Law. Mosque communities, individual Muslims, and booksellers offering Islamic texts have also been raided and prosecuted, and Russian translations of the works of Islamic theologian Said Nursi have been banned. But so far these bans and prosecutions have not translated into the kind of campaign being carried out against Jehovah's Witnesses.

Russian Muslims have always denied the existence of the banned alleged organisation "Nurdzhular" [Nursi followers] and so it has never had registered local communities. Falun Gong texts have also been banned, but its practitioners also do not have registered local communities which could be banned and whose property could be taken over. Neither group, therefore, could be targeted in the same way Jehovah's Witnesses are targeted (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

What would happen if a liquidation order is made?

If the Supreme Court upholds the liquidation suit against the Administrative Centre and the ruling enters into legal force, the Centre would be declared extremist and placed on the Justice Ministry's Federal List of Extremist Organisations. This List mainly comprises far-right and violent nationalist groups. There are currently 58 banned or liquidated organisations on the List, including seven Jehovah's Witness communities in Taganrog, Samara, Abinsk, Stariy Oskol, Belgorod, Elista, and Oryol (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Liquidation of the Administrative Centre would also lead to the liquidation of all local Jehovah's Witness communities throughout Russia (see F18News 16 February 2017 http://www.forum18.org/archive.php?article_id=2257). Under Russian law, both local religious organisations and unregistered religious groups can be considered part of the structure of a centralised religious organisation.

If Jehovah's Witnesses continued to meet for prayer or Bible study after liquidation, their former members would be liable to criminal prosecution under Criminal Code Article 282.2 ("organisation of" or "participation in the activities of a banned extremist organisation"). Sixteen Jehovah's Witnesses in Taganrog were tried and convicted on these charges in November 2015 after their community became the first to be liquidated as extremist (see F18News 3 December 2015 http://www.forum18.org/archive.php?article_id=2128). Their latest appeal is currently pending at the Supreme Court.

All property belonging to the Administrative Centre and local communities would be taken over by the state.

Since July 2016, the Religion Law, among many other severe restrictions on freedom of religion and belief, bans former members of banned "extremist" religious organisations from carrying out broadly defined "missionary activity". People such as Jehovah's Witnesses who publicly share their beliefs are also liable to prosecution under Administrative Code Article 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket") and Administrative Code Article 5.26 ("Conducting missionary activity") (see Forum 18's general Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2246). (END)

For more background see Forum 18's surveys of the general state of freedom of religion and belief in Russia at http://www.forum18.org/Archive.php?article_id=2246, and of the dramatic decline in this freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=2215.

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>.

Twitter: @Forum_18

Follow us on Facebook: @Forum18NewsService

All Forum 18 material may be referred to, quoted from, or republished in full, if Forum 18 is credited as the source.

If you need to contact F18News, please email us at:
f18news@editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY