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RUSSIA: Jehovah's Witnesses banned, property confiscated

By Victoria Arnold, Forum 18 (<https://www.forum18.org/>)

Supreme Court declares Jehovah's Witness headquarters and local communities "extremist", bans all their activity immediately, and orders their property seized by state. Russia's estimated 170,000 Jehovah's Witnesses now risk criminal prosecution for "extremist activity" if they continue to meet for prayer or bible study.

Russia's Supreme Court in Moscow has this evening (20 April) declared the Jehovah's Witness national headquarters in St Petersburg and all 395 local organisations "extremist", banned all their activity immediately, and ordered their property seized by the state. Judge Yury Ivanenko took just over two minutes to read out his decision after nearly 30 hours of hearings across six days. Jehovah's Witnesses intend to appeal against the ban.

Judge Ivanenko explicitly stated only that the "halting of activity" is to be enforced immediately. Jehovah's Witnesses believe the other parts of the decision will take effect only after any subsequent unsuccessful appeal.

Judge Ivanenko issued the ruling at 18:48 Moscow time on 20 April. Earlier in proceedings, he had rejected requests by Jehovah's Witness representatives to have the Justice Ministry's lawsuit dismissed or postponed (see below).

This is the first time that a court has ruled that a registered national centralised religious organisation is "extremist" and banned.

Russia's estimated 170,000 Jehovah's Witnesses now risk criminal prosecution for "extremist activity" if they continue to meet for prayer or Bible study (see below).

Any attempt by Jehovah's Witnesses to share their beliefs, even within the restrictions of the July 2016 so-called "missionary amendment" to the Religion Law, will now be illegal, as the amendment prohibits any missionary activity by former members of banned "extremist" organisations (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215). The July 2016 changes also imposed harsh restrictions on anyone sharing any religious beliefs, including where and who may share them, as part of alleged "anti-terrorism" changes (see Forum 18's general Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2246)

Further consequences of the ruling remain uncertain, including the effect on "extremism" cases currently underway against individual Jehovah's Witnesses (for example, the criminal trial of two men in Sergiyev Posad on charges of "inciting religious hatred") and on the attempt to ban the Jehovah's Witness edition of the Bible as "extremist" (see below). Other Jehovah's Witness literature which has not been banned now seems likely to be immediately outlawed (see below).

Also unclear is what will happen to young Jehovah's Witness men who seek to undertake alternative civil service rather than military service on grounds of their pacifist religious beliefs.

The Federal Financial Monitoring Service (Rosfinmonitoring) had already added the Jehovah's Witness Administrative Centre to its list of "organisations, against which there is evidence of involvement in extremist activity or terrorism", and the Centre's financial transactions are already blocked (see F18News 7 April 2017 http://www.forum18.org/archive.php?article_id=2271).

Three United Nations Special Rapporteurs warned before the Supreme Court hearings began that any ban on Jehovah's Witnesses would be "a threat not only to Jehovah's Witnesses, but to individual freedom in general in the Russian Federation". Russian human rights defenders and members of other religious communities also spoke in their support (see below).

Jehovah's Witnesses to appeal

Once the Supreme Court has issued its full decision in writing, the Administrative Centre will have one month to appeal to a three-person panel at the Supreme Court, but Jehovah's Witnesses say they anticipate serious problems, regardless of any pending appeal.

Jehovah's Witnesses added that, if necessary, they will take their case to the European Court of Human Rights in Strasbourg.

Jehovah's Witnesses described the outcome of the case as "a black day for fundamental human freedoms in Russia". They noted that "this decision could lead to the saddest consequences for believers of different faiths, as well as for Russia's image on the world stage".

Liquidation, banning suit

The Justice Ministry lodged its suit at the Supreme Court on 15 March, asking that the Administrative Centre be declared an extremist organisation, that it be liquidated, that all its activities be banned, and that all its property be seized by the state.

On the same day, the Ministry also issued an Order suspending most Jehovah's Witness activities, including all public meetings and the Administrative Centre's financial transactions (see F18News 21 March 2017 http://www.forum18.org/archive.php?article_id=2265).

The Administrative Centre lodged a challenge to the Suspension Order on 27 March at Zamoskvoretsky District Court in Moscow (in the jurisdiction of which the Justice Ministry is located). A hearing is scheduled for 24 April (postponed from 18 April).

Although the Justice Ministry press service claimed to Forum 18 that the Suspension Order does not apply to meetings for worship, police halted Jehovah's Witnesses' religious services (see below).

Supreme Court hearings

The liquidation suit hearings took place on 5, 6, 7, 12, 19, and 20 April under Judge Ivanenko at the Supreme Court, according to the court website. They were open to the press and public. Both the Jehovah's Witnesses and the Justice Ministry answered questions from the judge and from each other, and were allowed to call witnesses.

The case involved forty-three volumes of materials from both sides, including expert reports from "extremism" cases, earlier court decisions, testimonies of Jehovah's Witnesses' social and charitable work, and the Justice Ministry's inspection report of 27 February (see F18News 15 March 2017 http://www.forum18.org/archive.php?article_id=2264).

Judge Ivanenko refused several requests from the Administrative Centre's representatives to have the suit dismissed or postponed, and rejected their petition to have the attempted ban on all Jehovah's Witness activity recognised as political repression.

Justice Ministry official Svetlana Borisova asked Judge Ivanenko to order the dissolution of all Jehovah's Witness organisations and to allow this process to begin immediately.

Jehovah's Witness representatives refuted the Justice Ministry's claims that the Administrative Centre imported "extremist" literature, financed "extremist activity", and failed to take effective measures against "extremist activity" by local religious organisations. Lawyer Viktor Zhenkov pointed out, for instance, that the Administrative Centre could not have known that the books it imported would later be ruled extremist by Russian courts, and that in the past two years, no materials have been brought into the country at all.

Lawyer Yury Toporov argued that money sent to local communities was used for the upkeep of religious buildings, the payment of utility bills, and the support of individual believers who had fallen on hard times. Lawyer Maksim Novakov described how prosecutions for possession of "extremist" literature were based on the apparent planting of banned items by officials – he noted that one of these books in a recent case had borne an inscription showing it was the property of an Orthodox anti-sectarian centre.

The Justice Ministry's accusations and Judge Ivanenko's questions focused on the relationship between the Administrative Centre and the local religious organisations (whose alleged "extremist activity" formed the basis for the liquidation lawsuit) and on the measures taken by the Administrative Centre to "prevent extremism", especially after the General Prosecutor's Office warning of 2 March 2016.

The Jehovah's Witnesses' representatives tried to show that the local organisations were independent entities which the Centre could neither found nor dissolve, but simply provide with logistical support.

Lawyer Anton Omelchenko outlined measures taken by the Administrative Centre to guard against accusations of "extremist activity". These included the notification of local religious organisations about the addition of particular books to the Federal List of Extremist Materials and the creation of a commission to prevent the appearance of extremist materials.

Jehovah's Witnesses also tried to complain to the authorities about the planting of banned items in Kingdom Halls (to no avail), and unsuccessfully attempted to find out from the General Prosecutor's Office what other measures could be expected.

Both sides were permitted to question witnesses. Those for the Administrative Centre reaffirmed the essential peaceableness of Jehovah's Witnesses and the care taken to avoid falling foul of the Extremism Law. Professor Valentin Zavyalov of Moscow State Construction Institute, for instance, described how "extremist" titles were listed on the wall of his place of worship and how believers checked the premises before services began.

Closing statements

Lawyer Zhenkov concluded his remarks by asking: "What happens if the court upholds the Justice Ministry's request? If this is the will of the state, then the country successfully acquires 170,000 prisoners of conscience and a corresponding reputation. If the will of the state is to comply with the law, then the court can come to only one decision – to refuse to uphold the Justice Ministry's suit". Lawyer Novakov noted the violation of believers' rights since the Justice Ministry issued its suspension order, and expressed his fear that liquidation would lead to "even more tragic consequences".

Jehovah's Witness chairman Vasily Kalin added that "The Justice Ministry not only humiliates itself and its functions, but has humiliated the entire state in the eyes of the international community with an unreasonable and reckless accusation"

In her summing up, Justice Ministry representative Borisova argued that the Administrative Centre's very name indicated that it exercised control over local organisations and was therefore responsible for their "extremist activity". She added that "Jehovah's Witness texts contain impermissibly insulting ways of expressing the truth of their beliefs". She finished by asking the judge again to liquidate the Centre and all local Jehovah's Witness organisations and order their property confiscated – and to permit this to be carried out before the decision enters legal force.

Judge Ivanenko issued his short judgment on the evening of 20 April after withdrawing from the room for just over 90 minutes.

"A threat .. to individual freedom in general"

United Nations (UN) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association Maina Kiai told Forum 18 on 20 March that: "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 added that "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. 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" (see F18News 21 March 2017 http://www.forum18.org/archive.php?article_id=2265).

On 4 April, before proceedings began in the Supreme Court, UN Special Rapporteur on Freedom of Opinion and Expression David Kaye, UN Special Rapporteur on Freedoms of Peaceful Assembly and Association Maina Kiai, and UN Special Rapporteur on Freedom of Religion and Belief Ahmed Shaheed condemned the attempt to outlaw Jehovah's Witnesses in Russia.

"This lawsuit is a threat not only to Jehovah's Witnesses, but to individual freedom in general in the Russian Federation," the Special Rapporteurs wrote. "The use of counter-extremism legislation in this way to confine freedom of opinion, including religious belief, expression and association to that which is state-approved is unlawful and dangerous, and signals a dark future for all religious freedom in Russia". They called on Russia to "drop the lawsuit in compliance with their obligations under international human rights law, and to revise the counter-extremism legislation and its implementation to avoid fundamental human rights abuses" (see <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21479&LangID=E>).

Russian human rights defenders also spoke out against the lawsuit. They include Lyudmila Alekseyeva, who called it "Not simply a mistake, but a crime", and Maksim Shevchenko, member of the Presidential Council on Human Rights, who described the attempted ban as "unconstitutional, violating the fundamental principles of freedom of conscience". He added: "If it is possible in this way to ban an organisation with hundreds of thousands of members, then it is possible to repress other religious or public opinion groups quite easily. I believe that this is arbitrary, and it is impossible to agree with this arbitrariness. We must protect the rights of Russian citizens who are members of this religious organisation."

Effects of Suspension Order even ahead of verdict

The Justice Ministry's 15 March Suspension Order led to heavy-handed official tactics against Jehovah's Witnesses even before the Supreme Court ruling. On 11 April, Jehovah's Witnesses marked their main annual religious event – the Memorial of Christ's Death. They reported the next day that police and security forces had interrupted their commemorations in Snezhinsk (Chelyabinsk Region), where they took worshippers' personal details, and in Krasnoyarsk and Michurinsk (Tambov Region), where believers were questioned and some were served summonses.

A few days later, on 14 April, officers of the police and the National Guard stormed a Kingdom Hall in Chelyabinsk during a service. Local TV news footage from the Rossiya-1 channel shows several masked men, dressed in black combat gear and carrying guns, climbing the fence, then apparently standing guard over worshippers inside the building. Individual Jehovah's Witnesses say

that they did not know that "continuing the service would violate the law", according to the news report.

At the 19 April Supreme Court hearing, lawyer Zhenkov requested that documents detailing these incursions be added to the case materials. Judge Ivanenko allowed this, despite the Justice Ministry's objections.

Prosecutors are also attempting to ban the activities of an unregistered Jehovah's Witness group in Arzamas (Nizhny Novgorod Region). In the Administrative Centre's official objection to the Justice Ministry's lawsuit, published on 4 April, the Jehovah's Witnesses note that the Justice Ministry had requested details of all such groups on 20 February as part of their inspection of the Administrative Centre: "The aim of this demand is obvious. It is to prohibit the collective profession of faith in such groups .. it is clear that state bodies are focused on a complete ban on the profession of faith of Jehovah's Witnesses". According to the Arzamas City Court website, the hearing is due on 3 May, having been twice delayed on 6 and 18 April.

What liquidation order means nationally

Now the Justice Ministry's suit has been upheld, all exercise of freedom of religion and belief by Jehovah's Witnesses across Russia is banned. Any Jehovah's Witness who breaks the ban would be liable for prosecution as an "extremist" (see below).

The Administrative Centre is set to be added to the Justice Ministry's Federal List of Extremist Organisations. Its property – and that of "structural subdivisions", such as local organisations – is to be confiscated by the state. This List comprises mainly far-right and violent nationalist groups. At present, 59 banned or liquidated organisations are on the List. These include eight Jehovah's Witness communities, in Taganrog, Samara, Abinsk, Stariy Oskol, Belgorod, Elista, Oryol and Birobidzhan (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Liquidation of the Administrative Centre will also lead to the liquidation of all other Jehovah's Witness communities and groups throughout Russia (see F18News 16 February 2017 http://www.forum18.org/archive.php?article_id=2257).

If Jehovah's Witnesses continue 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.

Individuals who are involved in criminal "extremism" cases – whether convicted, charged, or merely suspected – may also be placed on the "List of terrorists and extremists" maintained by the Federal Financial Monitoring Service (Rosfinmonitoring) 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 the List, meaning that they cannot withdraw or transfer money, receive salary payments, or use their bank cards. Since 30 January 2014, this has been relaxed to allow small transactions not exceeding 10,000 Roubles per month (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

It is likely that Jehovah's Witnesses who might face criminal "extremism" prosecutions, brought now the liquidation order has been upheld, will be placed on the List.

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).

Courts around Russia have already placed many Jehovah's Witness texts on the Federal List of Extremist Materials. Now that the Administrative Centre has been ruled an "extremist" organisation, possession of any Jehovah's Witness text could make the possessor liable to criminal prosecution (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Increasing targeting of Jehovah's Witnesses

Many individual Jehovah's Witnesses and communities have been fined and liquidated for possession of 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. In 2013 to 2016, there were 31 warnings and nine liquidations ordered, with one liquidation attempted. From late 2016, raids on Jehovah's Witness premises have been taking place more than three times per month. These raids on doctrinally pacifist religious communities often involve many heavily armed and camouflaged officers, who "discover" apparently planted banned "extremist" literature. This can lead to liquidation of a local religious organisation (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://www.forum18.org/archive.php?article_id=2250). Their next hearing is due on 3 May.

Jehovah's Witnesses are not the only religious community 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.

So far, however, 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). (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.

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