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RUSSIA: Fines, vandalism follow Jehovah's Witness liquidation

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

As Jehovah's Witnesses challenge the Supreme Court liquidation of all their organisations as "extremist", their Centre is closed, police have sealed some Kingdom Halls and bank accounts are frozen. Individuals continue to face fines, children face pressure, and places of worship face increased vandalism.

Bullying and harassment by the authorities against the children of Jehovah's Witness families, further fines for individuals and an upsurge in incidents of vandalism against places of worship have all followed the 20 April Supreme Court ruling that the Jehovah's Witness Administrative Centre and all its local religious organisations across Russia should be liquidated as "extremist". The Centre's activities are suspended, police have sealed some Kingdom Halls and all bank accounts have been frozen. One early denial of a civilian alternative to military service may foreshadow future difficulties for Jehovah's Witness conscientious objectors.

On 25 May, FSB security service officers in Oryol arrested Danish citizen Dennis Christensen on suspicion of "continuing the activities of a banned extremist organisation" (Article 282.2, Part 1 of the Criminal Code). The Oryol Jehovah's Witness community was dissolved as "extremist" in June 2016, a decision which came into force in October 2016.

The criminal case against Christensen is the first to be initiated since the Supreme Court's liquidation ruling.

According to Jehovah's Witness reports, 15 armed men raided a building in which local Jehovah's Witnesses were meeting, took the worshippers' passport details and seized their electronic devices. Several were then taken to the local FSB headquarters, where they were kept until the early hours of the morning. Officials also searched Jehovah's Witnesses' homes.

So far, only Christensen has been charged. He is currently being held, "without food", at the FSB building. On 26 May, Soviet District Court in Oryol acceded to the FSB request to hold him in pre-trial custody for two months.

The many problems flow from both the 20 April liquidation ruling itself and the Justice Ministry's earlier order suspending Jehovah's Witness activities for the duration of court proceedings.

On 19 May, lawyers for the Administrative Centre lodged an appeal against the 20 April Supreme Court liquidation ruling. It is not known when the Supreme Court will hear the appeal.

Although the Supreme Court ruling has not yet entered into force, local religious organisations already appear to have been removed from Federal Tax Service records. In the records seen by Forum 18, local communities across several regions were already listed as "liquidated" and their activities as "terminated", with the dates of termination (prekrashcheniye) ranging from 28 April to 12 May. The Administrative Centre itself is listed as having been liquidated on 27 April.

Forum 18 tried to reach Svetlana Borisova, who put forward the Justice Ministry's case in the Supreme Court, to ask how Jehovah's Witnesses in Russia can exercise their constitutional right to freedom of religion and belief now that all their organisations have been dissolved and their activities prohibited. The woman who answered the phone at Borisova's Department for the Affairs of Religious Organisations on 26 May refused to answer any of Forum 18's questions, referring all enquiries to the press service.

Liquidation ruling followed suspension order

Supreme Court Judge Yury Ivanenko issued the liquidation ruling after nearly 30 hours of hearings across 6 days. It declares the Administrative Centre an "extremist" organisation, orders that its activities and those of all 395 local Jehovah's Witness organisations should be prohibited, and subjects its property to confiscation by the state (see F18News 20 April 2017 http://www.forum18.org/archive.php?article_id=2274).

According to the written verdict, seen by Forum 18, the ban on Jehovah's Witness activity was effective immediately. The remainder of the verdict will not enter legal force unless the Centre's appeal is unsuccessful, Jehovah's Witnesses explained to Forum 18 on 1 May.

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The Supreme Court's ruling is also effective in Russian-annexed Crimea, where 22 Jehovah's Witness organisations were registered under Russian law in 2015, Forum 18 notes.

The Justice Ministry lodged its suit at the Supreme Court on 15 March. On the same day, the Ministry also issued an Order summarily 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).

Although the Justice Ministry press service claimed to Forum 18 that the Suspension Order did not apply to meetings for worship, Jehovah's Witnesses described to Forum 18 several instances of officials halting services. Some of these incidents have since led to prosecution under Article 20.28, Part 1, of the Administrative Code ("Organisation of or participation in the activities of a public or religious association, in relation to which a decision on the suspension of its activities is in force").

"Very sad" consequences of liquidation ruling

Jehovah's Witness lawyer Anton Bogdanov described the consequences of the liquidation ruling so far as "very sad", adding that "State agencies are already attempting to extend the application of the Supreme Court's decision .. to ordinary Jehovah's Witness believers, creating obstacles for them in the confession of their faith".

The Administrative Centre's 19 May appeal, seen by Forum 18, claims that the Supreme Court's decision was based on "the presumption of guilt", and not on "a comprehensive, complete, objective, and direct investigation of the available evidence". It also points out that the ruling violates the rights not only of the Centre itself, but also those of individuals and legal entities who were not permitted to participate in the case, and condemns it as unconstitutional and in contradiction of international law.

The Supreme Court has not yet set a date for the appeal hearing, but Jehovah's Witnesses believe it could take place as late as September 2017.

In the meantime, Jehovah's Witnesses have also submitted a challenge to Judge Ivanenko's refusal, during the proceedings in April, to dismiss the Justice Ministry's suit. The Supreme Court is due to hear this challenge on 13 June.

Liquidation ruling "disturbing"

Human rights commentators have continued to condemn the ban on Jehovah's Witnesses in Russia. "Whether or not one agrees with the ideology of the Jehovah's Witnesses is beside the point," the then United Nations (UN) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association Maina Kiai commented to Forum 18 on 21 April. "This ruling is disturbing because of the precedent it sets. By defining extremism so loosely and subjectively, it paves the way for the government to liquidate virtually any religious organization that it chooses to target. It crosses the line into criminalizing thoughts and opinions, which is a very dangerous and slippery slope."

Michael Georg Link, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), said in a press statement on 25 April that he was "deeply concerned by this unwarranted criminalization of the peaceful activities of members of the Jehovah's Witnesses communities in Russia, eliminating this community as a viable entity in the country". The Supreme Court decision "poses a threat to the values and principles that democratic, free, open, pluralistic and tolerant societies rest upon", he added.

Consequences of liquidation suit – both before and after ruling

All the Administrative Centre's activities, including worship, have ceased, Jehovah's Witnesses told Forum 18 on 1 May. Its property in the village of Solnechnoye on the north-western edge of St Petersburg has not yet been confiscated, they added, as this will likely happen only once the verdict has come into legal force. State agencies have, however, sealed some Kingdom Halls belonging to local religious organisations.

The Centre remains on the list of "terrorist and extremist" organisations maintained by the Federal Financial Monitoring Service (Rosfinmonitoring), on which it was placed when the liquidation suit began and its financial transactions were blocked. It also remains on the Justice Ministry's list of public and religious organisations whose activities have been suspended because of involvement in extremism. The only other entry on this list is the Jehovah's Witness community of Chapayevsk in Samara Region (by order of the Samara Regional Prosecutor on 22 March 2017).

The Centre has not yet been added to the Justice Ministry's list of banned extremist organisations (on which eight local Jehovah's Witness organisations already appear), because the Supreme Court's ruling is not yet in force.

Vandalism

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The liquidation ruling has triggered "a wave of aggressive actions" against Kingdom Halls and believers' homes, Jehovah's Witnesses complain. Jehovah's Witnesses state that they have experienced vandalism in St Petersburg (20 April), Gukovo (Rostov Region, 22 April), Achinsk (Krasnoyarsk Region, 30 April), Penza (30 April), Lutsino (Moscow Region, 30 April), Kaliningrad (2 May), Novomoskovsk (Tula Region, 5 May), Novokhopyorsk (Voronezh Region, 6 May), Yekaterinburg (14 May), and Izhevsk (Udmurt Republic, 20 May). In at least some of these incidents, the vandals referred directly to the Supreme Court decision, Jehovah's Witnesses told Forum 18.

Although damage to Kingdom Halls and other property has been a long-standing problem, these ten cases over one month appear to mark an increase in such incidents since the Supreme Court's 20 April decision. In September 2016 Jehovah's Witnesses stated that Kingdom Halls had been vandalised eight times in the eight months from January to August of that year. In September 2013 they noted an average of two or three incidents per month between September 2009 and July 2013.

The first of the recent incidents took place only hours after the Supreme Court ruling. Two men blocked the entrance to a St Petersburg Kingdom Hall with their cars. They then attacked the building with cobblestones they had brought with them, breaking glass doors and windows and "shouting insults to the religion of Jehovah's Witnesses and threats of physical harm".

During the latest reported attack, in Izhevsk, a man broke into the building used for worship by the local Jehovah's Witness community. He smashed furniture, doors and electrical equipment with a "heavy metal object", and set off fire extinguishers before being caught by community members. Police later arrested the man.

Pressure on children

Children from Jehovah's Witness families have been experiencing "unprecedented pressure from teachers and police", often in school, since the Supreme Court proceedings began, Jehovah's Witnesses complain.

In Bashkortostan's capital Ufa on 28 March, a police officer went to a Jehovah's Witness home and asked the eldest son to confirm the family's religion in writing. When the boy's mother arrived, the officer demanded a written explanation as to why she was "involving minors in extremist activity", which she refused to give.

On 17 April, a 14-year-old girl was called to the headteacher's office at her school in Rodionovo-Nesvetayskaya District of Rostov Region. There her phone was confiscated and a uniformed police officer and a man in plain clothes "talked to the girl about how her mother forces her to go to a 'terrorist organisation' in which 'they are robbed' and 'are taught to kill people'". The men claimed that Jehovah's Witnesses would "send her to blow up the school" and told her not to go to any meetings, but to stay at home and "just read our Bible, from the church".

When two sisters from a Jehovah's Witness family in Pizhanka District, Kirov Region, refused to sing a song about war, their class teacher told them: "You are now banned and we are already fed up with your religion". Later, she said to their mother: "You are now extremists and there will be no indulgence".

Alternative service refused

On 12 May, a military conscription office in the Chuvash Republic refused to give Avel Lukin, an 18-year-old Jehovah's Witness from Shumerlya, permission to perform alternative civilian service instead of being conscripted into the army. Jehovah's Witnesses told Forum 18 that one member of the conscription panel referred to the Supreme Court ruling and told the applicant in a hostile manner: "You can keep your beliefs to yourself, and your faith too." Lukin has appealed against the decision and is awaiting a court date.

Conscription into the armed forces is compulsory for one year for all men aged 18 to 27, but alternative civilian service is available for those whose beliefs do not allow them to engage in military activity (see Forum 18's Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2246).

A Jehovah's Witness spokesperson told Forum 18 in 2016 that young Jehovah's Witness men have usually encountered no problems in choosing alternative service. Apart from refusal of alternative service, as happened in Shumerlya, it remains unclear what consequences might arise if a man cites membership of a banned "extremist" religious association as grounds for avoiding conscription.

Arzamas ban suit withdrawn

Prosecutors have withdrawn their request to ban the activities of an unregistered Jehovah's Witness group in Arzamas (Nizhny Novgorod Region). Hearings took place (after some delays) on 3 and 4 May at Arzamas City Court. At the latter hearing, prosecutors dropped the suit with the agreement of the judge. The written decision, seen by Forum 18, gives no explanation for this.

In the Administrative Centre's official objection to the Justice Ministry's lawsuit, published on 4 April, Jehovah's Witnesses note that

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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".

Local leaders prosecuted after earlier suspension order

The Justice Ministry's 15 March suspension order forbade 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".

The issuing of this order quickly led to heavy-handed official tactics, including the disruption of worship by armed police in several locations across the country (see F18News 20 April 2017 http://www.forum18.org/archive.php?article_id=2274).

Some local Jehovah's Witness leaders have since been prosecuted under Article 20.28, Part 1, of the Administrative Code ("Organisation of or participation in the activities of a public or religious association, in relation to which a decision on the suspension of its activities is in force"). This carries a fine of 500 to 1,000 Roubles.

On 15 May, Uchaly and Uchaly District Magistrate's Court No. 2 fined Sh. Gataullin, chair of a Jehovah's Witness community in the Uchaly district of Bashkortostan, an unknown amount under Administrative Code Article 20.28, Part 1. According to an 18 May press release on the Republic Prosecutor's Office website, the Uchaly Inter-District Prosecutor's Office had carried out an inspection of "compliance with legislation on religious associations and combating extremist activity". This found that Gataullin had held a gathering in rented premises in March, "in violation of" the suspension of Jehovah's Witness activities.

Similarly, on 19 April, Kyzyl Magistrate's Court No. 2 in the Tyva Republic fined Marat Sharakhov, head of a local Jehovah's Witness organisation, 1,000 Roubles for holding a service. According to Jehovah's Witness reports, police received a phone call on 5 April saying that people were "gathering, talking about religious topics, and discussing the possible end of the world" in a house on the city's Churgui-oola Street.

On 4 May, Judge Nataliya Vasilaki of Railway District Magistrate's Court No. 3 fined Stanislav Glotov, chair of the Ulan-Ude community in the Republic of Buryatia, 1,000 Roubles under Article 20.28, Part 1. On 4 April, he had given a brief interview on local TV channel Alternativnoye Televideniye Buryatii (at a journalist's request) about the impending liquidation proceedings in the Supreme Court in Moscow. The prosecutors and judge interpreted this as "using state and municipal media" (explicitly banned in the suspension order).

Prosecutors also cited the suspension order as evidence of the illegality of the defendant's actions in a case under Article 5.26, Part 4, of the Administrative Code, which punishes loosely defined "unlawful missionary activity". On 19 April, Muravlenko Magistrate's Court No. 2 in the Yamalo-Nenets Autonomous Region fined Z. Dzhafarov 5,000 Roubles for allegedly sharing his beliefs with the residents of a block of flats on 5 April.

Unsuccessful challenge of suspension order

The Administrative Centre challenged the suspension order unsuccessfully at Zamoskvoretsky District Court in Moscow on 24 April. "The Justice Ministry's order suspending the activities of the Administrative Centre ceased to be active as soon as the Supreme Court's verdict was issued – therefore, such an order no longer has any meaning," lawyer Anton Bogdanov told Forum 18 on 26 April. "The Administrative Centre will continue to appeal against this order, as it has suffered substantial losses while it was in force, and the right to freedom of religion was violated."

According to the verdict, seen by Forum 18, Judge Nelli Rubtsova decided that the suspension order was "lawful and well-founded, insofar as the Justice Ministry acted in the interests of the Russian Federation, as well as for the rights, freedoms, and legal interests of an unspecified circle of people...the rights, freedoms, and legal interests of [the Administrative Centre] were not violated, since the organisation had the right to use bank accounts to pay [fees, bills, taxes, fines]".

Judge Rubtsova concluded: "The Supreme Court's decision of 20 April 2017 upheld the Justice Ministry's suit. This court therefore finds no grounds for the satisfaction of [the Administrative Centre's] request."

Lawyer Bogdanov believes that "This reveals a dangerous trend: following the Supreme Court, all lower courts could take the course of denying Jehovah's Witnesses in the defence of their constitutional rights".

Other banning suit continues

Despite the Supreme Court's ruling applying to the activities of all local Jehovah's Witness organisations, prosecutors in Kamchatka

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are pursuing the liquidation as "extremist" of the Petropavlovsk-Kamchatsky community. Kamchatka Regional Court is due to hear the suit on 2 June (postponed from 23 May).

The suit appears to be based on the community's earlier conviction under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials included in the published Federal List of Extremist Materials, as well as their production or storage for mass distribution") on 9 February 2017 (upheld on appeal on 22 March) after a search allegedly found three discs containing the banned text of "What does the Bible really teach?" on 13 November 2016.

Prosecutors had issued a warning of "the inadmissibility of extremist activity" on 19 February 2016, after local residents accused community members of handing out extremist literature in a park the previous summer. The liquidation attempt does not, therefore, appear to be a direct consequence of the national-level ban, but the Regional Court website does note the Supreme Court ruling in its 4 May press release.

The last local Jehovah's Witness organisation to be dissolved as "extremist" before the Justice Ministry initiated its suit against the Administrative Centre was the community in Cherkessk, in the North Caucasus Republic of Karachai-Cherkessiya, on 10 February. The Supreme Court rejected the community's appeal on 26 May, according to RIA Novosti.

Further consequences

If the Administrative Centre's appeal is unsuccessful, it will be added to the Justice Ministry's Federal List of Extremist Organisations, which 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).

The state will also confiscate the Centre's property – and that of all local religious organisations.

If Jehovah's Witnesses continue to meet for prayer or Bible study after liquidation, they 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).

If the liquidation ruling comes into force, it is likely that Jehovah's Witnesses facing criminal "extremism" prosecution will be added to 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". Punishments can be imposed under Administrative Code Article 5.26 ("Conducting 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") (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). (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.

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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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