

8 December 2009

RUSSIA: 34 Jehovah's Witness publications and one congregation banned

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

Russia's Supreme Court has today (8 December) upheld a Rostov-on-Don Regional Court ruling finding 34 Jehovah's Witness publications "extremist", ensuring that their distribution will be banned nationwide. The Supreme Court also upheld, as part of the ruling, the liquidation of the Taganrog Jehovah's Witness congregation as extremist. The congregation's property will now be confiscated, and it will be banned from meeting as a community. Asked why the Supreme Court upheld the lower court decision, the secretary for the Supreme Court's Civil Cases Division, who would not give her name, told Forum 18 News Service: "The Jehovah's Witnesses are extremist." Asked if they have for example killed anyone, she responded: "To a certain extent, yes." The court ruling opens the way for the distribution of all Jehovah's Witness literature in Russia to be banned in future. Grigory Martynov of the Jehovah's Witnesses expressed disappointment, telling Forum 18 that "the decision was taken very quickly and they gave no explanation as to why they upheld the Rostov decision." He also stated that they will consider whether to take their case to the European Court of Human Rights (ECtHR) in Strasbourg.

The decision today (8 December) by Russia's Supreme Court in Moscow rejecting a Jehovah's Witness appeal opens the way for distribution of all their literature in Russia to be banned in future, Forum 18 News Service notes. The Court upheld the September decision of the Rostov-on-Don Regional Court finding 34 named Jehovah's Witness publications "extremist", ensuring that they will be banned nationwide, and that the Jehovah's Witness congregation in the town of Taganrog is extremist and is liquidated.

The secretary for the Civil Cases Division at the Supreme Court, who would not give her name, told Forum 18 from Moscow just minutes after the decision had been handed down that the Supreme Court found the Regional Court decision to be "legally grounded" and left the Jehovah's Witness suit without satisfaction. "The Jehovah's Witnesses are extremist," she explained.

Asked in what way the Jehovah's Witnesses can be considered extremist, the secretary responded: "People's spiritual views and outlook here are different. The Jehovah's Witnesses here are not like they are in other countries. They propound extremist views." Asked if the Jehovah's Witnesses in Russia have killed anyone, for example, she told Forum 18: "To a certain extent, yes."

Grigory Martynov of the Jehovah's Witnesses expressed disappointment at the decision. "The decision was taken very quickly and they gave no explanation as to why they upheld the Rostov decision," he told Forum 18 in the wake of the hearing. He said they will have to wait until they receive the decision in writing – expected within ten days – before they see the Court's reasoning. He said that as the Jehovah's Witnesses cannot appeal any further within Russia, they will now consider whether to take their case to the European Court of Human Rights (ECtHR) in Strasbourg.

In March 2004 the Moscow Jehovah's Witness community was liquidated by a local court (see F18News 17 June 2004 http://www.forum18.org/Archive.php?article_id=344). Jehovah's Witnesses at that time added information about this case to one they had already lodged with the ECtHR about harassment of the community (Jehovah's Witnesses of Moscow and Others v. Russia, Application 302/2). However, the ECtHR has not yet ruled on whether the case is admissible, or when a judgment may be made.

Implications of the ruling

Forum 18 notes that distribution of the 34 named Jehovah's Witness texts is now banned. Under the 2002 Extremism Law, even a local court may rule literature extremist (Article 13). If not successfully challenged, such rulings oblige the Justice Ministry to add relevant titles to the Federal List of Extremist Materials, at which point they are banned throughout Russia. Anyone possessing banned literature can be punished. This could make it difficult for Jehovah's Witnesses to distribute any of their literature, as police officers will be unlikely to know if publications are banned or not and might confiscate them as a preemptive move.

The Taganrog congregation, who have been continuing to use their property even though it was placed under state arrest in the wake of the Regional Court decision, should now see this property confiscated. Any further meetings by the community will be illegal.

But perhaps the most significant impact will be on the many other cases brought by prosecutors against other local Jehovah's

Witness congregations and publications elsewhere in Russia (see below). Local courts are likely to look to the Supreme Court decision for guidance. Prosecutors are likely to be encouraged by the decision to bring yet more similar cases.

The earlier Rostov decision

Rostov-on-Don Regional Court in southern Russia ruled 34 Jehovah's Witness texts extremist on 11 September. It also declared the Jehovah's Witness community in the local town of Taganrog an extremist organisation and ordered its liquidation. The organisation's property - including land, office and residential premises – was placed under state arrest pending the Supreme Court appeal, but the community has so far been able to use these facilities without obstruction.

The items considered extremist by the Rostov court are all published in the United States and Germany. The court's 56-page ruling, seen by Forum 18, gives three categories of alleged extremism located by expert analysts in the texts: 1) "incitement of religious hatred (undermining respect and hostility towards other religions)"; 2) "refusing blood" and 3) "refusing civil responsibilities". Half the titles condemned by the Rostov court feature examples only of the first category. Thus, in an October 1998 issue of "Watchtower", one analyst found "information capable of undermining the reader's respect for the Christian (other than JW) religion, the assertion of popular disillusionment in religion in the context of processes taking place within the Anglican Church".

Overall, the verdict characterises the literature as containing "a negative evaluation of other confessions, propaganda and superiority of the Jehovah's Witness religion (..) of exclusivity of one religion over another". The court thus confused a justifiable definition of extremism in the 2002 Law – "propaganda of exclusivity, superiority or inferiority of citizens according to their attitude towards religion or religious affiliation" (Article 1) - with claiming the superiority of the religion itself. The freedom to make claims about the relative merits of religious or non-religious views is a central part of freedom of religion or belief. The same confusion between claiming the superiority of particular people and claiming the superiority of particular views is made in every attempt to ban allegedly religious extremist literature in Russia with which Forum 18 is familiar.

In ordering the liquidation of Taganrog's Jehovah's Witness organisation, the court also maintained that it encourages people whose life or health are at risk to refuse medical assistance for religious reasons (declining blood transfusions) and to refuse civil obligations prescribed by law (citing a Jehovah's Witness who rejected both military and alternative service). The court also claimed to have identified instances of minors enticed into the organisation's activity and families broken up due to religious differences related to Jehovah's Witness activity. These charges are among grounds for seeking the liquidation of a religious organisation under Article 14 of the 1997 Religion Law and led to the 2004 ban on the Jehovah's Witnesses' Moscow organisation (see F18News 25 May 2004 http://www.forum18.org/Archive.php?article_id=327).

Rostov-on-Don Regional Public Prosecutor's Office ordered its sub-offices to investigate all local Jehovah's Witness communities and consider filing applications for their liquidation in September 2007 (see F18News 14 July 2008 http://www.forum18.org/Archive.php?article_id=1159).

Altai Supreme Court case

Three time zones east, the Supreme Court of Altai Republic will hear a similar appeal on 23 December. The city court in Gorno-Altai, the republic's capital, also ruled 18 Jehovah's Witness publications extremist on 1 October 2009. Only one of the titles coincides with those in the Rostov ruling, and the Altai court did not examine Jehovah's Witness religious practice.

Among the seven local cases currently seeking to ban Jehovah's Witness literature as extremist, those in Rostov-on-Don and Gorno-Altai have progressed furthest. The deportations of four North American lawyers since March have damaged their already pressed defence in the trials (see F18News 23 July 2009 http://www.forum18.org/Archive.php?article_id=1331).

While not involving extremism charges, the Jehovah's Witnesses have won two appeals to the Supreme Court in recent months, against the authorities in Kaliningrad and Samara Regions.

In the wake of the Rostov ruling, customs officers at Vyborg near the Russian-Finnish border refused to admit a consignment of Jehovah's Witness literature bound for the organisation's St Petersburg headquarters. They claimed it "may contain features aimed at inciting religious hatred" and was banned under Russian law, according to their 19 and 26 October customs documents seen by Forum 18.

The Jehovah's Witnesses believe a total ban is the aim of a harassment campaign by the law enforcement agencies. 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). The General Public Prosecutor's Office has insisted to Forum 18 that the check-ups were lawful and uncovered legal violations.

The 454 titles on the Federal List of Extremist Materials as of 26 November typically suggest extreme nationalist or antisemitic content. Most entries relating to religious material - 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). (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>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY