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RUSSIA: Is anti-Jehovah's Witness campaign slowing?

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

Russia's efforts to convict Jehovah's Witnesses for criminal "extremism" appear to be weakening, Forum 18 News Service notes. "But we can't say the authorities have become more relaxed in principle," Jehovah's Witness spokesperson Grigory Martynov he remarked to Forum 18 in Moscow. "It's not clear how they will react next, what other methods they will seek." Incidents of police harassment against Jehovah's Witnesses are also reducing. Martynov's continued concern stems primarily from a criminal case against 16 Jehovah's Witnesses in the southern Russian town of Taganrog. Forum 18 notes that local prosecutors have so far found it easier to convict Muslim readers of Said Nursi's works than Jehovah's Witnesses because they are deemed to belong to a banned "extremist" organisation. Even with Nursi readers - although one trial and several other criminal investigations continue - no "extremism" criminal convictions have been handed down since October 2011.

Russia's efforts to convict Jehovah's Witnesses for criminal "extremism" appear to be weakening, Forum 18 News Service notes. Jehovah's Witness spokesperson Grigory Martynov agrees the situation looks calmer. "But we can't say the authorities have become more relaxed in principle," he remarked to Forum 18 in Moscow. "It's not clear how they will react next, what other methods they will seek."

Incidents of police harassment against Jehovah's Witnesses are also reducing. A 5 December 2012 Constitutional Court decision resulting from prosecution of two Jehovah's Witnesses for meeting for worship without state permission loosens the regulations on religious events. This should improve the situation for disfavoured faiths facing this kind of freedom of religion or belief violation (see F18News 3 January 2013 http://www.forum18.org/Archive.php?article_id=1787).

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The campaign

A nationwide campaign against Jehovah's Witnesses began in early 2009, when public prosecutors conducted over 500 inspection visits of local congregations throughout Russia in one month (see F18News 13 March 2009 http://www.forum18.org/Archive.php?article_id=1267).

Jehovah's Witness literature was then ruled "extremist" by Rostov-on-Don Regional Court on 11 September 2009. This resulted in a nationwide ban on 34 Jehovah's Witness publications and the dissolution of the local Jehovah's Witness organisation in Taganrog (see F18News 8 December 2009 http://www.forum18.org/Archive.php?article_id=1385). The Jehovah's Witnesses are challenging both the ban and dissolution in the European Court of Human Rights (ECtHR) in Strasbourg (Application no. 32401/10). The ECtHR told Forum 18 on 2 January 2013 that no admissibility decision has yet been taken.

Courts in Altai republic, Kemerovo and Krasnodar regions have since designated a further 34 Jehovah's Witness titles "extremist". All 68 banned Jehovah's Witness items are now on Russia's Federal List of Extremist Materials, making those who possess the items liable to criminal prosecution (see Forum 18's "extremism" Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1724).

Singled out

Officials and individuals who oppose Jehovah's Witnesses as a "totalitarian sect" categorise many Baptists, Pentecostals, Hare Krishna devotees and the Church of Jesus Christ of Latter-day Saints (LDS Church, commonly known as the Mormons) in the same way. But efforts at restricting such faiths using the 2002 Extremism Law have so far centred on Jehovah's Witnesses. This is partly due to their public visibility but also their isolation from other religious communities, Forum 18 notes; a simultaneous attack against numerous disfavoured faiths would be likely to result in more protests against these religious freedom violations.

Since June 2008 law enforcement agents have detained, investigated or warned Baptists, Hare Krishna devotees, Lutherans and Pentecostals in connection with extremism, but such incidents are rare (see F18News 3 March 2010

http://www.forum18.org/Archive.php?article_id=1425).

In 2012 prosecutors in the Siberian city of Tomsk failed to ban as extremist the Russian translation of "The Bhagavad-gita As It Is", a key text for Hare Krishna devotees (see F18News 21 March 2012 http://www.forum18.org/Archive.php?article_id=1682).

The methods and scale of the "counter-extremism" campaign against readers of Said Nursi, a moderate Muslim theologian from Turkey, are similar to the campaign against Jehovah's Witnesses. The state's motivation is quite different, however (see Forum 18's "extremism" Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1724).

The Taganrog Sixteen

Only two criminal extremism cases against Jehovah's Witnesses are now under way, as against at least eight in late 2010 (see F18News 30 November 2010 http://www.forum18.org/Archive.php?article_id=1515).

Yet Jehovah's Witness spokesperson Martynov finds one particularly alarming: the prosecution of 16 Jehovah's Witnesses in Taganrog. This centres not on allegations of distributing banned religious literature – in other cases unsuccessful – but on organising or participating in a banned extremist organisation (Article 282.2 of the Criminal Code). The banned organisation concerned is the local Jehovah's Witness organisation in Taganrog, dissolved by Rostov-on-Don Regional Court in September 2009.

By 18 December 2012 the case's initial, May 2012 criminal extremism charges against 17 Jehovah's Witnesses had all been struck down by Rostov-on-Don Regional Court due to procedural violations, Martynov of the Jehovah's Witnesses told Forum 18 on 20 December. But in mid-November new, identical charges were brought against 16 of the 17 people originally accused.

On 4 December Ivan Bondarenko, a senior police investigator for Russia's Southern Federal District, informed the 16 accused that his investigation is now complete, Martynov confirmed. Both sides now have an undetermined period to familiarise themselves with the case material, he added. The Jehovah's Witnesses will likely challenge the charges as they did those of May 2012.

Reached by Forum 18 on 20 December, Bondarenko declined to comment on the Taganrog case, citing "the secrecy of the investigation".

Four Jehovah's Witness elders are charged with organising the activity of a banned extremist organisation (Article 282.2, Part 1 of the Criminal Code). The four – Yuri Baklushin, Aleksei Koptev, Aleksandr Skvortsov and Nikolai Trotsyuk – belonged to the Taganrog local religious organisation until it was forcibly legally dissolved on 27 January 2010.

The other 12 accused are members of the congregation, who are charged with participating in the activity of a banned extremist organisation (Article 282.2, Part 2 of the Criminal Code). They are: Kirill Chetverikov, Andrei Goncharov, his wife Oksana Goncharova, Vladimir Kozhukhov, Tatyana Kravchenko, her son Kirill Kravchenko, Vladislav Kruglikov, Karen Minasyan, Vladimir Moyseenko, Vyacheslav Shchekalev, Nikolai's son Sergei Trotsyuk and Roman Voloshchuk.

According to a September 2012 Jehovah's Witness report on the case, several of the accused are second-, third- and even fourth-generation Jehovah's Witnesses. Nikolai Trotsyuk was given a three-year prison term in 1973 for refusing compulsory military service on grounds of religious conscience. He served a year in labour camp before being transferred for good conduct to a work project.

The charges against the Taganrog Jehovah's Witnesses followed hidden filming of worship by police during spring and summer of 2011, as well as co-ordinated early morning raids on Jehovah's Witness homes by police and FSB security service officers on 25 August 2011. Religious literature – whether legally ruled "extremist" or not – computers, electronic storage media and congregation records were all seized during the raids (see F18News 28 March 2012 http://www.forum18.org/Archive.php?article_id=1685).

Human rights defenders' concern

On 22 October leading human rights defenders from the Moscow Helsinki Group, including Lyudmila Alekseyeva and Svetlana Gannushkina, appealed to General Prosecutor Yuri Chaika to close the Taganrog case. They noted that "counter-extremism legislation is yet again being used wrongfully and absurdly against the Jehovah's Witnesses (..) in essence this is criminal liability for faith."

Instead, the Taganrog case was last prolonged on 5 November 2012, according to Martynov, a development impossible without the General Prosecutor's approval.

In a 22 November 2012 response to Alekseyeva seen by Forum 18, Igor Kamynin of the General Prosecutor's Office notes that – despite the court liquidation of Taganrog's Jehovah's Witness organisation – a number of people in the town "engaged in activities of an organised nature aimed at reviving and continuing the unlawful activity of the banned organisation" between February 2010 and August 2011.

Kamynin adds that the preliminary investigation period in the corresponding criminal case has been extended to 5 February 2013. While the General Prosecutor's Office has demanded the elimination of legal violations caused by local investigators' delays and deficiencies, he insists that there is no reason for the General Prosecutor's Office to take further action.

Prosecutions of Muslim readers of Said Nursi's works

Forum 18 notes that local prosecutors have so far found it easier to convict Muslim readers of Said Nursi's works than Jehovah's Witnesses because they are deemed to belong to a banned "extremist" organisation. Of the 10 cases in which such Muslims received actual or suspended prison terms, all but one was for organising or participating in a banned "extremist" organisation rather than distributing "extremist" material (see F18News 6 June 2012 http://www.forum18.org/Archive.php?article_id=1709).

Even with Nursi readers - although one trial and several other criminal investigations continue - no "extremism" criminal convictions have been handed down since October 2011. The criminal trial of Ramil Latypov was halted in December 2012 as the case failed to be completed within the required two year period, Moscow-based Sova Center reported on 29 December 2012.

Latypov's trial began on 24 September 2012 at Judicial Unit No.1 of Orenburg's Lenin District under Magistrate Igor Zherybatev (see F18News 10 October 2012 http://www.forum18.org/Archive.php?article_id=1752). Hearings took place even as late as mid-December 2012, the Judicial Unit told Forum 18.

Russia's Supreme Court banned "the international religious organisation Nurdzhular" as "extremist" in April 2008. Nursi readers deny they form part of any organisation (see F18News 29 May 2008 http://www.forum18.org/Archive.php?article_id=1136).

Astrakhan Jehovah's Witness case

The prosecution case in the one criminal case against Jehovah's Witnesses still in court appears to be weakening. In Astrakhan region, the trial of Yelena Grigoryeva resumed at Akhtubinsk District Court on 28 November 2012, the court website notes.

Grigoryeva's trial began in late February 2012 and was adjourned on 30 August to allow both sides in the case to familiarise themselves with an expert analysis of alleged "extremist" material confiscated from her home in February 2011 (see F18News 10 October 2012 http://www.forum18.org/Archive.php?article_id=1752).

The latest analysis – by Moscow-based linguistics Professor Anatoli Baranov and religious studies expert Yekaterina Elbakyan – is the third in the case. An undated text of their conclusions seen by Forum 18 found no statements in the examined Jehovah's Witness literature "justifying or affirming as necessary the limitation or deprivation of people's well-being".

Displeased with this result, the prosecution requested a fourth expert analysis on 11 December, Jehovah's Witness spokesperson Martynov told Forum 18. However, Judge Aleksandr Shalaev rejected this request and returned the case to the prosecutor. Seen by Forum 18, Judge Shalaev's corresponding 11 December instruction cites procedural violations.

The first expert analysis in the trial also found no evidence of extremism, according to Martynov. Large portions of the second, December 2011 analysis commissioned by the prosecution identified signs of extremism, but large parts of it were found to have been plagiarised (see F18News 6 June 2012 http://www.forum18.org/Archive.php?article_id=1709).

For sharing her beliefs with people living in Astrakhan's Akhtubinsk District between January and September 2010, as well as distributing printed material on the Federal List of Extremist Materials, Grigoryeva faces charges under Part 1 of the Criminal Code's Article 282, "incitement of hatred [nenavist] or enmity, as well as the humiliation of human dignity". The maximum punishment is two years in prison (see F18News 11 February 2011 http://www.forum18.org/Archive.php?article_id=1539).

Chita case

Jehovah's Witnesses have been exonerated in other criminal "extremism" cases that have reached court. On 23 October 2012 the verdict against Andrei and Lyutsiya Raitin, a married couple living in the Siberian city of Chita, was overturned, Martynov told Forum 18. The Jehovah's Witnesses have yet to receive a copy of documentation confirming this, he added.

Originally, the Raitins were each sentenced to 200 hours' community service on 27 July 2012 following a seven-month trial at Chita District Court (see F18News 31 July 2012 http://www.forum18.org/Archive.php?article_id=1727).

On 8 July 2011 the Raitins were charged under Article 282, Part 1 of the Criminal Code ("incitement of hatred [nenavist] or enmity, as well as the humiliation of human dignity"). Prosecutors alleged that in 2010 the couple, "pursuing the aims of inciting religious and social hatred" and knowing that it had been declared "extremist", distributed Jehovah's Witness literature in the village of Novotroitsk near Chita. Investigators claim they distributed 16 named texts, which were confiscated from them (see F18News 14 October 2011 http://www.forum18.org/Archive.php?article_id=1625).

The Raitins' prosecution followed police raids on 31 Jehovah's Witness homes in Chita and nearby Balei in February and March 2011 (see F18News 13 April 2011 http://www.forum18.org/Archive.php?article_id=1562).

Mari El case

Following a six-month trial, Jehovah's Witness Maksim Kalinin was acquitted by Yoshkar-Ola City Court (Mari El Republic) on 20 July 2012. The republic's Supreme Court upheld this ruling on 10 October (see F18News 10 October 2012 http://www.forum18.org/Archive.php?article_id=1752).

Deputy Prosecutor Olga Badaeva of Yoshkar-Ola City Prosecutor's Office wrote to Kalinin to make "an official apology (..) in connection with baseless criminal prosecution" in a 17 October 2012 letter seen by Forum 18.

Following 10 August 2010 raids on private homes and a Jehovah's Witness worship service, Kalinin was declared a suspect in a case opened against him under Criminal Code Article 282.2 ("Organisation of activity by an extremist organisation) (see F18News 26 August 2010 http://www.forum18.org/Archive.php?article_id=1480).

Altai case

In the first criminal "extremism" case against a Jehovah's Witness, congregation leader Aleksandr Kalistratov was convicted in November 2011 under Article 282, Part 1 of the Criminal Code. He successfully appealed and was acquitted in December 2011 (see F18News 10 January 2012 http://www.forum18.org/Archive.php?article_id=1653).

According to Martynov, there have been no further attempts at prosecution in the locations where Jehovah's Witnesses have been exonerated, and congregations there – as in most places - are able to worship freely.

Chuvashia case

In a further sign of prosecutors' lack of success in securing criminal "extremism" convictions against Jehovah's Witnesses, a case has been closed in the Volga republic of Chuvashia before it even reached court. Prosecutors closed the case against five local Jehovah's Witnesses on 6 December 2012 "because of the absence of the basis of a crime", Jehovah's Witnesses told Forum 18.

All five faced charges of organising an extremist organisation (Criminal Code Article 282.1), both as founders/leaders (Part 1) and participants (Part 2), as well as Part 2 (c) of the same Code's Article 282, "incitement of hatred [nenavist] or enmity, as well as the humiliation of human dignity" as an organised group. The maximum punishment is five years in prison.

Two of the five – Aleksei Nikolaev and Igor Yefimov – spent over six weeks in pre-trial detention until Chuvashia's Supreme Court ordered their release on 10 September 2012. The pair were arrested in 26 July 2012 raids along with fellow Jehovah's Witnesses Oleg Marchenko, Andrei Martynov and Andrei Nikolaev (apparently not related to Aleksei). These four were released after four days (see F18News 10 October 2012 http://www.forum18.org/Archive.php?article_id=1752).

The detentions followed co-ordinated police raids on Jehovah's Witness private homes – including Andrei Nikolayev's and Igor Yefimov's - and worship meetings on 7 September 2011. On that occasion Oleg Marchenko and Andrei Nikolayev were detained for 48 hours (see F18News 24 October 2011 http://www.forum18.org/Archive.php?article_id=1629).

Administrative fines

Despite these successes, recent months have seen significant administrative fines for distributing Jehovah's Witness literature, Forum 18 notes.

On 4 December 2012 Karachai-Cherkessia Republic Public Prosecutor's Office reported that a magistrate in Urup District had fined a local Jehovah's Witness organisation 50,000 Roubles under Article 20.29 of the Code of Administrative Violations ("production and distribution of extremist materials").

On 13 November 2012 Moscow City Public Prosecutor's Office reported that on 29 October a bookshop on Nakhimovsky Prospekt owned by a firm called "Krasand" was fined 70,000 Roubles by Gagarin District Court for selling two books on the Federal List of Extremist Materials, one being the Jehovah's Witness title "Life – How it Began". According to the Public Prosecutor's Office, this violation of Article 20.29 was discovered during an October 2012 inspection visit by Prosecutor's Office officials and Anti-Extremism Police.

On 7 November 2012 Tyumen Region Public Prosecutor's Office reported the prosecution of a Jehovah's Witness in the town of Ishim under Article 20.29. According to the Office, between August 2011 and August 2012 the Jehovah's Witness gave to "adepts" literature ruled "extremist" by Rostov-on-Don Regional Court in September 2009. It gave "propaganda of exclusivity of one religion

over another" as one reason for this ruling.

According to Jehovah's Witness spokesperson Martynov, the Ishim fine totalled 1,000 Roubles and was handed down by a magistrate on 13 September 2012 to pensioner Pavel Italkin. Ishim Municipal Court rejected Italkin's appeal on 31 October 2012, he added.

Jehovah's Witnesses note that such cases are becoming rarer. In October 2012 they reported nine cases brought so far that year under Article 20.29, as opposed to 36 during the whole of 2010. Also by October 2012, five had resulted in prosecution, as against 10 in 2010.

Since the introduction of Article 20.29 in July 2007, Jehovah's Witnesses and Muslims - both individuals and organisations - have been subject to fines under it (see F18News 11 October 2012 http://www.forum18.org/Archive.php?article_id=1753). (END)

For more background, see Forum 18's surveys of the general state of religious freedom in Russia at http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

An analysis of the way that the Russian authorities have used the Pussy Riot case to intensify restrictions on freedom of religion or belief is at F18News 15 October 2012 http://www.forum18.org/Archive.php?article_id=1754.

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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